CITY OF SANTA BARBARA CITY COUNCIL REDEVELOPMENT AGENCY

Helene Schneider
Mayor/Chair
Bendy White
Mayor Pro Tempore/Vice Chair
Grant House
Ordinance Committee Chair
Dale Francisco
Finance Committee Chair
Frank Hotchkiss
Randy Rowse
Michael Self



James L. Armstrong
City Administrator/
Executive Director

Stephen P. Wiley City Attorney/Agency Counsel

City Hall 735 Anacapa Street http://www.SantaBarbaraCA.gov

AUGUST 23, 2011 AGENDA

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council and Redevelopment Agency meetings begin at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and http://www.SantaBarbaraCA.gov. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (http://www.SantaBarbaraCA.gov). Materials related to an item on this agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular Council/Redevelopment Agency meeting, and at the beginning of each special Council/Redevelopment Agency meeting, any member of the public may address them concerning any item not on the Council/Redevelopment Agency agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the Council/Redevelopment Agency. Should Council/Redevelopment Agency business continue into the evening session of a regular Council/Redevelopment Agency meeting at 6:00 p.m., the Council/Redevelopment Agency will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The Council/Redevelopment Agency, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or Council/Redevelopment Agency regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or Council/Redevelopment Agency.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the Council/Redevelopment Agency. A Consent Calendar item is open for discussion by the Council/Redevelopment Agency upon request of a Council/Agency Member, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council/Redevelopment Agency considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular Council meeting is broadcast live in English and Spanish on City TV Channel 18, and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

2:00 p.m. - City Council Meeting

2:00 p.m. - Redevelopment Agency Meeting

REGULAR CITY COUNCIL MEETING – 2:00 P.M. SPECIAL REDEVELOPMENT AGENCY MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 14, 2011, and the special meeting of July 18, 2011.

2. Subject: Adoption Of Ordinance Amending Municipal Code Title 17, Chapter 17.36, Pertaining To Harbor Parking (550.08)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17, Chapter 36, of the Santa Barbara Municipal Code Pertaining to Parking in the Harbor Parking Lot.

CITY COUNCIL (CONT'D)

3. Subject: Adoption Of Ordinance For A Lease Agreement With Santa Barbara Sailing Center (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with Two Five-Year Options with Skip Abed, Doing Business as Santa Barbara Sailing Center, for the Boat Rental and Sailing Instruction Facility at 303 West Cabrillo Boulevard Adjacent to the Harbor Launch Ramp, Effective September 21, 2011.

4. Subject: Adoption Of Ordinance For A Lease Agreement With Seacoast of Santa Barbara (330.04)

Recommendation: That Coucil adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with One Five-Year Option with Seacoast of Santa Barbara, Inc., for a 562 Square-Foot Yacht Brokerage Office at 125 Harbor Way, at an Initial Base Rent of \$1,817 Per Month, Effective September 21, 2011.

5. Subject: July 2011 Investment Report (260.02)

Recommendation: That Council accept the July 2011 Investment Report.

6. Subject: Increase In Construction Change Order Authority For The MacKenzie Parking Lot Storm Water Infiltration Project (570.05)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the MacKenzie Parking Lot Storm Water Infiltration Project, City Contract No. 23,837, between Shaw Contracting, Inc., and the City, in the amount of \$181,609, for a total project expenditure authority of \$586,662.

7. Subject: Contract For Design Of The Cabrillo Pavilion And Bathhouse Facility Assessment (570.05)

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services Agreement with Kruger Bensen Ziemer Architects, Inc., in an amount not to exceed \$199,660 for design and support services for the Cabrillo Pavilion and Bathhouse Facility Assessment, and approve expenditures of up to \$19,966 for extra services that may result from necessary changes in the scope of work.

CITY COUNCIL (CONT'D)

8. Subject: Contract For Construction Of The Ortega Groundwater Treatment Plant Rehabilitation And Improvements Project (540.10)

Recommendation: That Council:

- A. Reject the bid protest of GSE Construction Co., Inc., and award a contract to PCL Construction, Inc., in their low bid amount of \$5,076,296 for construction of the Ortega Groundwater Treatment Plant Rehabilitation and Improvements Project, Bid No. 3519;
- B. Authorize the Public Works Director to execute the contract with PCL Construction, Inc., and approve expenditures up to \$507,630 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Carollo Engineering in the amount of \$418,794 for design support services during construction, and approve expenditures of up to \$41,880 for extra services that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Penfield and Smith in the amount of \$630,576 for construction management services, and approve expenditures of up to \$63,058 for extra services that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to execute a contract with Systems Integrated in the amount of \$725,109.98 for Supervisory Control and Data Acquisition (SCADA) integration services, and approve expenditures of up to \$72,511 for extra services that may result from necessary changes in the scope of work.

9. Subject: Contract For Conceptual Design Of The Police Station Replacement Project (320.01)

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services Agreement, in a form of agreement acceptable to the City Attorney, with Leach Mounce Architects in the amount of \$323,796 for conceptual design services for the Police Station Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$32,380 for extra services which may result from necessary changes in the scope of work.

CITY COUNCIL (CONT'D)

10. Subject: Introduction Of Ordinance Establishing Bay View Circle As A One-Way Street (530.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Revising Section 10.60.030, Establishing Bay View Circle as a Counter-Clockwise One-Way Street.

11. Subject: Community Priority Designation For Antioch University At 602 Anacapa Street (640.09)

Recommendation: That Council find that the Antioch University development project at 602 Anacapa Street meets the definition of a Community Priority Project, and grant the project a Final Community Priority Designation for an allocation of 2,671 square feet of nonresidential floor area.

12. Subject: Set A Date For Public Hearing Regarding Appeal Of Parks And Recreation Commission Denial For 740 Flora Vista Drive (570.08)

Recommendation: That Council:

- A. Set the date of October 11, 2011, at 2:00 p.m. for hearing the appeal filed by Jeremiah and Julie Weiss of the Parks and Recreation Commission denial of an application for removal of a second setback tree on the property located at 740 Flora Vista Drive; and
- B. Set the date of October 10, 2011, at 1:30 p.m. for a site visit to the property located at 740 Flora Vista Drive.

REDEVELOPMENT AGENCY

13. Subject: Minutes

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of June 7, the special meeting of June 9, and the regular meeting of June 21, 2011.

REDEVELOPMENT AGENCY (CONT'D)

14. Subject: Redevelopment Agency's Enforceable Obligation Payment Schedule

Recommendation: That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Adopting an Enforceable Obligation Payment Schedule and Authorizing the Filing of the Schedule, Subject to the Restrictions Provided Herein, with the State Department of Finance, the State Controller's Office, and the Auditor-Controller of the County of Santa Barbara.

NOTICES

- 15. The City Clerk has on Thursday, August 18, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 16. Cancellation of the regular City Council meeting of August 30, 2011, and of the regular City Council and Redevelopment Agency meetings of September 6, 2011.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

17. Subject: Recycling Revenue Sharing Agreement Between The City Of Santa Barbara And County Of Santa Barbara (630.01)

Recommendation: That Council approve an agreement between the City and County of Santa Barbara for the processing of greenwaste and the processing and sharing of revenues and costs associated with commingled recyclables delivered to County facilities.

PUBLIC WORKS DEPARTMENT

18. Subject: City Fleet Operations Program (330.05)

Recommendation: That Council receive a presentation on the City's Fleet Operations Program.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

19. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2011 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects for the Fourth Quarter of Fiscal Year 2011.

PUBLIC HEARINGS

20. Subject: Appeal Of The Architectural Board Of Review Final Approval Of 903 W. Mission Street (640.07)

Recommendation: That Council deny the appeal of Pamela Brandon and uphold the Architectural Board of Review Final Approval of the proposed accessory dwelling unit and new garage.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 14, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy

Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

CEREMONIAL ITEMS

 Subject: Letter Of Recognition Santa Barbara Airport Completion Of The Airline Terminal Project June 2011 (120.08)

Action: Letter of Recognition presented to Airport Director Karen Ramsdell.

CHANGES TO THE AGENDA

Motion:

Councilmembers Francisco/Hotchkiss to reconsider the Legislative Platform (Item No. 21 from June 7, 2011, City Council meeting) as it relates to the Brown Act, and direct staff to place this item on a future agenda for discussion.

Vote:

Majority voice vote.

PUBLIC COMMENT

Speakers: Robert Burke, Ruth Wilson, Kate Smith, Phil Walker.

CONSENT CALENDAR (Item Nos. 2 – 13)

The titles of the resolutions and ordinance related to the Consent Calendar were read.

Motion:

Councilmembers Francisco/Rowse to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of April 12, and May 17, 2011, and the special meeting of May 23, 2011.

Action: Approved the recommendation.

3. Subject: Increase Appropriations In The Streets Capital Fund For The Property Located At 319 West Haley Street (150.03)

Recommendation: That Council:

- A. Approve an increase in appropriations in the Streets Fund in the amount of \$420,000 to buy out Santa Barbara County Association of Governments' (SBCAG) interest in the real property located at 319 West Haley Street (Haley Street Property), of which \$170,000 will be funded from unappropriated Streets Fund reserves, \$250,000 will come from a transfer of appropriated funds in the Measure D Fund, and the balance of \$50,000 will come from an allocation of existing appropriations in the Streets Fund for the Carrillo/Anacapa Intersection Improvement Project, for a total of \$470,000 for the buyout;
- B. Approve the transfer of appropriations in the amount of \$250,000 from the Carrillo/Anacapa Intersection Improvement Project in the Measure D Fund to the Streets Fund to cover a portion of the cost to buy out SBCAG's interest in the Haley Street Property;
- C. Approve an increase in appropriations and estimated revenues in the Fiscal Year 2012 recommended budget by \$36,968 in the Streets Fund, in recognition of lease income to be generated and received from the property at 319 West Haley Street, half of which was previously recognized as revenue in the General Fund;
- D. Reduce appropriated reserves and estimated revenues in the General Fund in Fiscal Year 2012 by \$18,485 related to the shift of lease revenues from the General Fund to the Streets Fund; and

(Cont'd)

- 3. (Cont'd)
 - E. Terminate City Agreement No. 15,909 with SBCAG, dated March 5, 1991.

Action: Approved the recommendations (June 14, 2011, report from the Public Works Director).

4. Subject: Records Destruction For Community Development Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Community Development Department in the Housing and Redevelopment Division.

Action: Approved the recommendation; Resolution No. 11-037 (June 14, 2011, report from the Assistant City Administrator/Community Development Director; proposed resolution).

5. Subject: Youth Watershed Education Program Contract With Art From Scrap (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a 12-month professional services contract with Art From Scrap in the amount of \$56,299.25 funded from Measure B revenues for the provision of youth and community watershed education programs in Fiscal Year 2012.

Action: Approved the recommendation; Contract No. 23,796 (June 14, 2011, report from the Parks and Recreation Director).

6. Subject: Acceptance Of Easement For Public Trail Uses At 1401 Jesusita Lane (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Trail Easement for Public Trail Uses on a Portion of the Real Property Commonly Known as 1401 Jesusita Lane, Santa Barbara County Assessor's Parcel Number 055-240-022.

Action: Approved the recommendation; Resolution No. 11-038 (June 14, 2011, report from the Parks and Recreation Director; proposed resolution).

7. Subject: Proposition 40 Grant Funds For The Los Banos Pool Automated Chemical Feed System Upgrade Project (570.07)

Recommendation: That Council increase estimated revenues and appropriations in the Parks and Recreation Fiscal Year 2011 operating budget in the amount of \$5,546.25 for a California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) Per Capita grant.

Action: Approved the recommendation (June 14, 2011, report from the Parks and Recreation Director).

8. Subject: Cachuma Conservation Release Board Budget Ratification (540.03)

Recommendation: That Council ratify the Fiscal Year 2012 Cachuma Conservation Release Board (CCRB) budget in the amount of \$461,140, with an estimated City of Santa Barbara share of \$177,917.

Action: Approved the recommendation (June 14, 2011, report from the Public Works Director).

9. Subject: Issuance Of Purchase Order To Approve Engel & Gray For Biosolids Composting (540.13)

Recommendation: That Council find it in the City's best interest to waive the formal bid process as provided by Municipal Code Section 4.52.070 (k) and authorize the General Services Manager to issue a purchase order to Engel & Gray, Inc. (E&G) to provide the City with an in-county site for biosolids composting services for the purchase of a limited amount of finished compost at a cost of \$46.63 per ton for Fiscal Year 2012 and the following four fiscal years in accordance with approved budgets.

Action: Approved the recommendation (June 14, 2011, report from the Public Works Director).

10. Subject: Introduction Of Ordinance For Rule Of The List For Dispatch And Parking Enforcement Vacancies (450.01)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 3.16.200 of Santa Barbara Municipal Code Title 3 Pertaining to Certification of Eligibles from an Employment List for Certain Non-Sworn Police Department Vacancies.

Action: Approved the recommendation (June 14, 2011, report from the Assistant City Administrator/Administrative Services Director; proposed ordinance).

11. Subject: General Municipal Election Of November 8, 2011 (110.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling for the Holding of a Vote-By-Mail General Municipal Election to be Held in the City on Tuesday, November 8, 2011, for the Election of Certain Officers as Required by the Provisions of the Charter;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Conduct of a Vote-By-Mail Election for the November 8, 2011, General Municipal Election;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Provisionally Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to be Held on November 8, 2011, with the Statewide Special Election to be Held on the Date Pursuant to Section 10403 of the Elections Code, in the event the Governor calls a Statewide Special Election allowing the City to proceed with a consolidated election; and
- D. Cancel the November 8, 2011, City Council meeting due to the holding of the general municipal election.

Action: Approved the recommendations; Resolution Nos. 11-039 - 11-041 (June 14, 2011, report from the Assistant City Administrator/Administrative Services Director; proposed resolutions).

NOTICES

- 12. The City Clerk has on Thursday, June 9, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 13. Received a letter of resignation from Rental Housing Mediation Task Force Member Barbara Smith-Sherrill; the vacancy will be part of the next City Advisory Group recruitment. (580.03)

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to discuss a proposed loan increase for the Housing Authority's Bradley Studios Project and the Ensemble Theatre grant request for Redevelopment Agency funds, both of which the Committee recommended for approval by the Council in the near future.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

14. Subject: Public Hearing Regarding Proposed City Utility Rate Increases (230.05)

Recommendation: That Council:

- A. Hold a Public Hearing, as required by State law, regarding proposed utility rate increases for water, wastewater, and solid waste collection services for Fiscal Year 2012; and
- B. Provide direction to staff regarding any changes to the proposed Fiscal Year 2012 utility rates.

Documents:

- June 14, 2011, report from the Public Works Director and Finance Director.
- Affidavits of Publication.
- PowerPoint presentations prepared and made by Staff.

Public Comment Opened:

2:24 p.m.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork, Environmental Services Manager Matthew Fore, Water Resources Supervisor Bill Ferguson, City Administrator James Armstrong.
- Water Commission: Chair Dr. Barry Keller.
- Members of the Public: Phil Walker; Steve Little, Westwood Hills Avocado Alliance; Janice Evans.

Public Comment Closed:

3:15 p.m.

Motion:

Councilmembers White/House to approve the rate changes as outlined in the agenda report, with the exception that the agriculture rate will remain at the current level for one year.

Vote:

Majority voice vote (Noes: Councilmember Self).

15. Subject: Adoption Of Long-Term Water Supply Plan And Urban Water Management Plan (540.08)

Recommendation: That Council:

 Hold a Public Hearing regarding adoption of the City's updated Long-Term Water Supply Plan (LTWSP) and the 2010 update of the City's Urban Water Management Plan (UWMP);

(Cont'd)

15. (Cont'd)

- B. Adopt the City's updated LTWSP as the policy basis for management of the City's water supply for the period through approximately 2030; and
- C. Adopt and authorize the Public Works Director to transmit the City's updated UWMP to the California Department of Water Resources, such adoption to include modifications as may be approved by the Public Works Director to ensure compliance with State UWMP requirements, provided that any such modifications are not inconsistent with the updated LTWSP.

Documents:

- June 14, 2011, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened:

3:27 p.m.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork.
- Water Commission: Chair Dr. Barry Keller.

Public Comment Closed:

3:39 p.m.

Motion:

Councilmembers House/White to approve recommendations B and C.

Vote:

Unanimous voice vote.

Councilmember White reported that on June 7, 2011, he inadvertently voted on the below item in which he has a conflict of interest due to his client's involvement in digital display production; consequently, the item is being resubmitted to the Council.

MAYOR AND COUNCIL REPORTS

16. Subject: Ordinance Revising The City's Sign Ordinance Concerning The Regulation Of Signs On Gas Pumps (640.02)

Recommendation: That Council:

- A. Reconsider its adoption of revisions to the City's Sign Ordinance as adopted on June 7, 2011, at the request of Councilmember Bendy White; and
- B. Re-adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020 and 22.70.030 of the Santa Barbara Municipal Code Relating to Sign Regulations.

(Cont'd)

16. (Cont'd)

Documents:

Proposed Ordinance.

The title of the ordinance was read.

Motion:

Councilmembers White/House to approve recommendation A.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Hotchkiss/Francisco to re-adopt the ordinance; Ordinance No. 5552.

Vote:

Unanimous roll call vote (Abstentions: Councilmember White).

Agenda Item Nos. 17 - 19 were considered simultaneously.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

17. Subject: Introduction Of Ordinance For 2011-2013 Treatment And Patrol (TAP) Memorandum Of Understanding (440.02)

Recommendation: That Council Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, for the period of January 1, 2011 through December 31 2013, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2011-2013 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units).

Documents:

- June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.

18. Subject: Introduction Of Ordinance For Extension To Supervisors Memorandum Of Understanding (440.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5484, the 2009-2011 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit (Supervisors' Unit) to Include a Supplemental Agreement.

Documents:

- June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.

19. Subject: Introduction Of Ordinance For Management Salary Plans (440.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Setting Forth and Approving a Salary Plan for Unrepresented Managers and Professional Attorneys for the period of June 14, 2011 through June 30, 2012; and a Salary Plan for Sworn Fire Managers and Unrepresented Sworn Police Managers for the period of June 14, 2011 through June 30, 2012.

Documents:

- June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.

Motion:

Councilmembers Hotchkiss/Self to approve the recommendations for Item Nos. 17 - 19.

Vote:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS (CONT'D)

20. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council hold interviews of applicants to various City

Advisory Groups.

(Estimated Time: 4:00 p.m.; Continued from June 7, 2011, Item No. 24)

Speakers:

The following applicants were interviewed:

Downtown Parking Committee:

William E. Pinner III

David Beardon

Krista Fritzen

Housing Authority Commission:

Dale Fathe-Aazam

Rental Housing Mediation Task Force:

Parvaneh Givi

Leesa Beck

Single Family Design Board:

Roderick Britton

The Council will make appointments to the advisory groups on June 28, 2011.

RECESS

4:18 p.m. - 4:29 p.m. Councilmember Self was absent when the Council reconvened, having stated previously that she would abstain from voting on the following item due to a conflict of interest pertaining to a family relationship with a principal working on the subject project.

PUBLIC HEARINGS

21. Subject: Appeal Of Planning Commission Approval Of 900 Calle De Los Amigos Valle Verde Retirement Facility (640.07)

Recommendation: That Council deny the appeal of the Law Office of Marc Chytilo, representing Hidden Oaks Homeowners Association, and the appeal of Weinberg, Rodger & Rosenfeld, representing the Service Employees International Union-United Healthcare Workers West ("UHW") and Friends of Valle Verde ("FVV"); certify the Environmental Impact Report; uphold the Planning Commission approval of the Lot Line Adjustment, the Conditional Use Permit Amendment and the Modifications; and direct Staff to return with an appropriate Resolution of Decision and Findings.

(Cont'd)

21. (Cont'd)

Documents:

- June 14, 2011, report from the Assistant City Administrator/Community Development Director.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- PowerPoint presentation prepared and made by Attorney Marc Chytilo, representing the Appellant.
- June 14, 2011, letter, photographs and master plan history, and proposed revised conditions from Attorney Marc Chytilo, representing the Appellant.
- October 18, 2010, letter from Maeda Palius.
- June 8, 2011, letter from Helen Barron Liebel.
- June 9, 2011, email communications and letters from Shirlie Yates,
 Charlotte S. Tyler, M.D., Alice M. Scott, Elaine J. Iddings, Judy Richards,
 Louise Carey, Patricia Dow, Fred and Patricia Heidner II, M.D., Arthur C.
 Christman, Jr., Susan Mellor, Edwina Mindheim.
- June 10, 2011, email communications and letters from Norman J. Boyan; Eleanor L. Childers; Laurie A. Yttri; Adriana M. Mendoza, AARP California; Suzie Swenson, Valle Verde Retirement Facility; Mary Nafius, Valle Verde Retirement Facility; Terry Bentley, Valle Verde Retirement Facility; Jim Craddock, Valle Verde Retirement Facility; Marianne Wohler, Valle Verde Retirement Facility; Jeffrey Krutzsch, Valle Verde Retirement Facility; Judy Richards; Bob Miller, Valle Verde Retirement Council; Vicky MacGregor, Casa Dorinda; Rosemary Bertka; James and Phyllis Axtell.
- June 12, 2011, email communication and letter from R.G. Logan, M.D.; Beth Pitton-August, League of Women Voters.
- June 13, 2011, letter from Janet Davis.
- June 14, 2011, letter from Alexandra Steadman.
- June 14, 2011, News-Press article submitted by President Steve Little, Westwood Hills Avocado Alliance.

Public Comment Opened:

4:30 p.m.

Speakers:

- Staff: Senior Planner II Danny Kato, Supervising Transportation Planner Steven Foley, Associate Planner Peter Lawson.
- Consultants to the City: Transportation Consultant Rob Olson, Wildlife Biologist Mark De La Garza.
- Planning Commission: Commissioners John Jostes, Deborah Schwartz, Michael Jordan.
- Appellant: Attorney Marc Chytilo.
- Applicant: Valle Verde Retirement Facility Executive Director Ron Schaefer, Agent Cameron Carey, Attorney Steve Amerikaner, Architect Justin Van Mullen, Archaeologist David Stone, Biologist Larry Hunt.

RECESS

Mayor Schneider recessed the appeal hearing (Agenda Item No. 21) at 6:20 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 22, and she stated that no reportable action is anticipated.

CLOSED SESSION

22. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General, Treatment and Patrol, and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

June 14, 2011, report from the Assistant City Administrator/Administrative Services Director.

Time:

6:22 p.m. - 6:31 p.m. Councilmember Self was absent.

No report made.

RECESS

6:32 p.m. - 6:54 p.m.

PUBLIC HEARINGS (CONT'D)

21. Subject: Appeal Of Planning Commission Approval Of 900 Calle De Los Amigos Valle Verde Retirement Facility (Continued)

Speakers (Cont'd):

- Members of the Public: Judy Orias; Terry Bentley, Valle Verde Retirement Facility; Jeffrey Krutzsch, Valle Verde Retirement Facility; Sherry Hall, Friends of Valle Verde/SEIU - United Healthcare Workers West; Charlie Johnson, Valle Verde Retirement Home Advisory Board Member; John Caulfield; Jim Firth; Elaine Iddings; Judy Richards, Valle Verde Retirement Facility; Louise Carey, Valle Verde Retirement Facility; Henry Jones, Valle Verde Retirement Facility; Donald O'Dowd, Valle Verde Retirement Facility; Janet O'Dowd, Valle Verde Retirement Facility; Gerson Kumin; Neil Reuben; David Daniel Diaz; Frank Arredondo, Chumash.

(Cont'd)

21. (Cont'd)

Recess: 7:41 p.m. - 7:46 p.m.

Speakers (Cont'd):

- Members of the Public (Cont'd): Eddie Harris, Santa Barbara Urban Creeks Council; Ruth Georgi; Charlie Schneider, Vistas Lifelong Learning; Rhonda Spiegel, California Central Coast Alzheimer's Association; Heike Kilian, Hidden Oaks Homeowners' Association; Jay Blatter; Jim Dow, Valle Verde Retirement Facility; Norman J. Boyan, Valle Verde Retirement Facility; Robert J. Buegler, Valle Verde Retirement Facility; Virginia Robinson, Valle Verde Retirement Facility; Jermaine Chastain, Hidden Oaks Homeowners' Association; Suzie Swenson, Valle Verde Retirement Facility; George E. Scott, Valle Verde Retirement Facility; Jenny Firth, Valle Verde Retirement Facility; Stevie Peters, Hidden Oaks Homeowners' Association; Simon Fox, Adventures in Caring Foundation; Alexa Steadman.

Public Comment Closed:

9:15 p.m.

Motion:

Councilmembers House/Hotchkiss to approve the recommendation, with the exception that the Modification for the Unit 6 setback is denied, and direct Staff to return with an appropriate Resolution of Decision and Findings to include:

- 1. The following sections of the Proposed Revised Conditions document submitted by Marc Chytilo, dated June 14, 2011:
 - Condition B. 12 regarding On-Site Residential, Visitor & Employee Parking;
 - Condition B. 14 regarding Areas Available for Parking and TDM, including the following amendment to the sixth sentence: "...by more than twenty-five (25) non-residents <u>during the peak</u> employee parking hours of 1:00 p.m. to 3:00 p.m., <u>Monday through Friday</u>, or by more than fifty (50) non-residents <u>during non-peak employee parking hours</u>.";
 - Condition B.15 regarding Parking Condition Effectiveness Review, to include the establishment of a regular, ongoing relationship with neighborhood residents;
 - Condition B. 16 regarding Sponsored Events;
 - Condition II. A.7 regarding Order of Development;
 - Condition D. 2. e. regarding Sensitive Species Survey Monitoring;

(Cont'd)

21. (Cont'd)

- Condition B. 2 regarding Conservation Easement Oak
 Woodlands, including the following amendment to the third
 sentence: "...acceptable to the City and the Owner, which
 organization shall become a co-grantee along with the City, with
 rights to enforce the conservation easement along with those of
 the City."; and
- 2. The following additional conditions:
 - If the City's Traffic Engineer determines that the intersection of Calle de los Amigos and Modoc Road meets traffic warrants, demonstrating the need for a traffic signal, the owner shall pay to the City a proportionate share of the installation cost for the traffic signal;
 - The archaeologist's monitoring contract shall also include the Rutherford Meadow area.

Vote:

Unanimous voice vote (Abstention: Councilmember Self).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 10:42 p.m.

SANTA BARBARA CITY COUNCIL SANTA BARBARA
CITY CLERK'S OFFICE

	ATTEST:
HELENE SCHNEIDER	CYNTHIA M. RODRIGUEZ, CMC
MAYOR	CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING July 18, 2011 1233 MISSION RIDGE ROAD

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:45 p.m.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy

Rowse, Mayor Schneider.

Councilmembers absent: Michael Self, Bendy White.

Staff present: Assistant City Administrator Paul Casey, City Attorney Stephen P. Wiley.

NOTICES

The City Clerk has on Thursday, July 14, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

SITE VISIT

Subject: 1233 Mission Ridge Road

Recommendation: That Council make a site visit to the property located at 1233 Mission Ridge Road, which is the subject of an appeal hearing scheduled for July 19, 2011, at 2:00 p.m.

Discussion:

Staff provided an overview of the project plans and a scaled model of it, the project site and neighboring homes, and the appeal issues. Questions from Councilmembers regarding the proposal and the plans were answered.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 2:05 p.m.

SANTA BARBARA CITY COUNCIL SANTA BARBARA

CITY CLERK'S OFFICE

____ATTEST:____

HELENE SCHNEIDER MAYOR SUSAN TSCHECH, CMC DEPUTY CITY CLERK

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 17, CHAPTER 36, OF THE SANTA BARBARA MUNICIPAL CODE PERTAINING TO PARKING IN THE HARBOR PARKING LOT

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.36 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

17.36.010 Parking Fees in Waterfront Parking Lots.

Parking fees and permit system for Waterfront Parking Lots shall be established by resolution of the City Council.

17.36.020 Parking for Certain Purposes Prohibited.

- **A. IMPROPER USE OF WATERFRONT LOT**. No person shall park a vehicle in any Waterfront parking lot for the principal purpose of displaying such vehicle for sale, repairing such vehicle, except repairs necessitated by an emergency, or washing such vehicle.
- **B. INOPERABLE VEHICLES**. No person shall park or permit to remain, any motor vehicle which is wrecked or inoperable for a period longer than two (2) hours in any Waterfront parking lot.
- C. NO VEHICLES TO REMAIN IN PARKING LOT PAST TIME OF PARKING LOT CLOSING. No person shall leave a vehicle in a Waterfront parking lot past the posted closing time.

17.36.030 Trailer Parking in Harbor Parking Lot

A. BOAT TRAILER PARKING PERMITTED. Persons who own or have possession of boat trailers shall be allowed to park boat trailers in the Harbor parking lot in designated boat-trailer parking stalls located adjacent to the small-vessel launch ramp for a period of time not to exceed three (3) consecutive nights. For the purpose of this section, one night's parking is defined as parking a boat trailer in a designated trailer parking stall any time between the hours of midnight to 4:00 a.m. No trailer, other than a boat trailer, shall be allowed to park in a parking stall in the Harbor lot without the prior written permission of the Waterfront Director or his designee.

- **B. BOAT TRAILER PARKING PROHIBITED.** No person who owns or has possession of a boat trailer shall park such trailer in any area of the Harbor parking lot other than as provided in Section 17.36.030A herein without the prior written permission of the Waterfront Director or his or her designee.
- C. BOAT TRAILER PARKING IN VIOLATION OF THIS SECTION; REMOVAL OF TRAILER AND PENALTIES. Any boat trailer parked in violation of this section may be removed by the City of Santa Barbara Police Department in accordance with the requirements of the California Vehicle Code and the owner or person in possession of the boat trailer parked in violation of this Section may be prosecuted in accordance with Santa Barbara Municipal Code Chapter 1.28.

17.36.040 72-hour Vehicle Parking Limit in Harbor Parking Lot.

No person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in the same parking space in the Harbor parking lot in excess of a period of seventy-two (72) consecutive hours, except persons with valid permits or prepaid permits as established by City Council Resolution, under the following circumstances:

- A. Vehicles owned by harbor slip holders who have also been issued a valid Waterfront slip-holder's parking permit will be allowed unlimited parking in the Harbor parking lot, providing that such vehicles are currently registered with the California Department of Motor Vehicles and are fully operational.
- B. Any person wishing to park a vehicle in the Harbor parking lot over the seventy-two (72) hour limit may be allowed to do so, providing:
- 1. The vehicle owner registers with the Waterfront Parking office prior to leaving the vehicle in the Harbor lot.
- 2. The vehicle owner pays, in advance, the appropriate daily parking fee for each twenty-four (24) hour period the vehicle will remain in the Harbor parking lot, provided that any vehicle bearing a Waterfront parking permit will be allowed to park for the first seventy-two (72) hours at no charge.

17.36.050 Penalties for Vehicle Parking Over 72 Hours in Harbor Parking Lot.

In the event a vehicle is parked, stopped or left standing in the Harbor parking lot in excess of a period of seventy-two (72) consecutive hours, does not have a valid slip holder parking permit, and has not been registered with the Waterfront parking office in advance, the vehicle may be cited and any member of the Police Department authorized by the Chief of Police may remove the vehicle from the Harbor parking lot in the manner and consistent with the requirements of the California Vehicle Code.

17.36.060 Oversized Vehicles in Harbor Parking Lot.

All vehicles over twenty feet (20') in length are prohibited from parking in the Harbor Parking Lot, excepting those vehicles exempted by resolution of City Council.

17.36.070 Oversize Vehicles in Waterfront Parking Lots.

All vehicles over thirty three (33) feet in length are prohibited from entering or using any Waterfront Parking Lot, excepting those vehicles exempted by resolution of City Council.

17.36.080 Oversize Vehicles in Designated Waterfront Parking Lots.

The Waterfront Director shall designate parking spaces in Waterfront Parking Lots, including a limited number of oversize parking spaces, by signs, pavement stripes or other means of designation.

- **A. PARKING IN DESIGNATED PARKING STALLS ONLY.** No vehicle shall be stopped, left standing or parked in any Waterfront Parking Lot, other than within a single marked stall designated for that size of vehicle.
- **B. PARKING IN MARKED STALLS ONLY.** No vehicle shall be stopped, left standing or parked in any Waterfront Parking Lot, at angles, horizontally, diagonally or otherwise across the lines marking a parking stall designated for parking a vehicle.
- C. NO PARKING IN OVERSIZED STALLS. No vehicle that is less than twenty (20) feet in length shall be stopped, left standing or parked in any Waterfront Parking Lot, within a parking stall designated for an oversize vehicle.
- D. NO PARKING OF OVERSIZED VEHICLES IN PASSENGER VEHICLE STALLS. No vehicle that is over twenty (20) feet in length shall be stopped, left standing or parked in any Waterfront Parking Lot, within a parking stall designated for passenger vehicles of ordinary length (less than twenty (20) feet).

17.36.090 No Personal Property in Parking Stalls.

No person shall occupy, fill or obstruct a space designated for parking in any Waterfront Parking Lot with any personal property other than a vehicle appropriate for the size of the parking stall, except by special permit of the Waterfront Director.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LEASE WITH TWO FIVE-YEAR OPTIONS WITH SKIP ABED, DOING BUSINESS AS SANTA BARBARA SAILING CENTER, FOR THE BOAT RENTAL AND SAILING INSTRUCTION FACILITY AT 303 WEST CABRILLO BOULEVARD ADJACENT TO THE HARBOR LAUNCH RAMP, EFFECTIVE SEPTEMBER 21, 2011

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara approving a five-year lease with two five-year options with Skip Abed, doing business as Santa Barbara Sailing Center, for the boat rental and sailing instruction facility at 303 West Cabrillo Boulevard adjacent to the Harbor launch ramp, effective September 21, 2011, is hereby approved.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LEASE WITH ONE FIVE-YEAR OPTION WITH SEACOAST OF SANTA BARBARA, INC., FOR A 562 SQUARE-FOOT YACHT BROKERAGE OFFICE AT 125 HARBOR WAY, AT AN INITIAL BASE RENT OF \$1,817 PER MONTH, EFFECTIVE SEPTEMBER 21, 2011

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara approving a five-year lease with one five-year option with Seacoast of Santa Barbara Inc., for a 562 square foot yacht brokerage office at 125 Harbor Way, at an initial base rent of \$1,817 per month, Effective April 21, 2011, is hereby approved.

Agenda Item No.__

File Code No. 260.02



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department

SUBJECT: July 2011 Investment Report

RECOMMENDATION:

That Council accept the July 2011 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of July 31, 2011.

ATTACHMENT: July 2011 Investment Report

PREPARED BY: Jill Taura, Treasury Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA Activity and Interest Report July 31, 2011

INVESTMENT ACTIVITY		INTEREST REVENUE	
PURCHASES OR DEPOSITS		POOLED INVESTMENTS	
 7/5 Federal National Mortgage Association (FNMA) 7/7 LAIF Deposit - City 7/12 Pres & Fellows of Harvard College (HARVRD) 7/19 Federal National Mortgage Association (FNMA) Total 	\$ 2,000,000 1,000,000 2,000,000 1,000,000 \$ 6,000,000	Interest Earned on Investments Amortization Interest on SBB&T Accounts Total	\$ 259,197 (13,242 320 \$ 246,276
SALES, MATURITIES, CALLS OR WITHDRAWALS			
7/1 LAIF Withdrawal - City 7/5 LAIF Withdrawal - City 7/7 Federal National Mortgage Association (FNMA) - Call 7/11 LAIF Withdrawal - City 7/13 LAIF Withdrawal - City 7/14 Federal Home Loan Bank (FHLB) - Call 7/19 LAIF Withdrawal - City 7/22 LAIF Withdrawal - City 7/28 LAIF Withdrawal - City 7/28 Federal Home Loan Bank (FHLB) - Call Total	\$ (1,500,000) (3,000,000) (2,000,000) (1,000,000) (3,000,000) (2,000,000) (1,500,000) (1,500,000) (1,500,000) (2,000,000) \$ (18,500,000)		
ACTIVITY TOTAL	\$ (12,500,000)	TOTAL INTEREST EARNED	\$ 246,276

CITY OF SANTA BARBARA Summary of Cash and Investments July 31, 2011

ENDING BALANCE AS OF JUNE 30, 2011

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 48,000,000	0.452%	27.28%	1
Certificates of Deposit	2,000,000	1.750%	1.14%	140
Federal Agency Issues - Coupon	113,980,970	2.029%	64.79%	1,196
Corporate/Medium Term Notes	5,993,317	2.293%	3.41%	1,380
	169,974,287	1.590%	96.62%	853
SB Airport Promissory Note	5,962,504	7.000%	3.39%	6,574
Totals and Averages	\$ 175,936,791	1.773%	100.00%	1,047
SBB&T Money Market Account	3,139,582			
Total Cash and Investments	\$ 179,076,373			

NET CASH AND INVESTMENT ACTIVITY FOR JULY 2011

\$ (10,373,700)

ENDING BALANCE AS OF JULY 31, 2011

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 36,500,000	0.380%	22.31%	1 (1)
Certificates of Deposit	2,000,000	1.750%	1.22%	109
Federal Agency Issues - Coupon	110,971,763	2.026%	67.82%	1,174
Corporate/Medium Term Notes	8,186,962	1.947%	5.00%	1,228
	157,658,725	1.637%	96.35%	892
SB Airport Promissory Note	5,962,504	7.000%	3.64%	6,543
Totals and Averages	\$ 163,621,229	1.833%	100.00%	1,098
SBB&T Money Market Account	5,081,443			
Total Cash and Investments	\$ 168,702,673			

Note:

(1) The average life of the LAIF portfolio as of July 31, 2011 is 260 days.

CITY OF SANTA BARBARA Investment Portfolio July 31, 2011

	PURCHASE	MATURITY	QUALITY	RATING	STATED	YIELD AT	FACE	воок	MARKET	воок	
DESCRIPTION	DATE	DATE	MOODY'S	S & P	RATE	365	VALUE	VALUE	VALUE	GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.380	0.380	36,500,000.00	36,500,000.00	36,500,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.380	0.380	0.00	0.00	0.00	0.00	•
Subtotal, LAIF							36,500,000.00	36,500,000.00	36,500,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											_
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,001,832.61	2,027,930.00	26,097.39	
FEDERAL FARM CREDIT BANK	10/28/10	10/28/15	Aaa	AAA	1.540	1.540	2,000,000.00	2,000,000.00	2,006,160.00	6,160.00	Callable 10/28/11, then cont.
FEDERAL FARM CREDIT BANK	12/10/10	12/08/14	Aaa	AAA	1.500	1.662	2,000,000.00	1,995,565.64	2,004,990.00	9,424.36	Callable 12/08/11, then cont.
FEDERAL FARM CREDIT BANK	02/02/11	02/02/15	Aaa	AAA	2.000	2.000	1,500,000.00	1,500,000.00	1,509,292.50	9,292.50	Callable 02/02/12, then cont.
FEDERAL FARM CREDIT BANK	02/10/11	02/10/14	Aaa	AAA	1.375	1.375	2,000,000.00	2,000,000.00	2,033,950.00	33,950.00	
FEDERAL FARM CREDIT BANK	03/09/11	03/09/16	Aaa	AAA	2.600	2.621	2,000,000.00	1,998,788.89	2,028,060.00	29,271.11	Callable 03/09/12, then cont.
FEDERAL FARM CREDIT BANK	12/15/10	12/15/15	Aaa	AAA	2.480	2.480	2,000,000.00	2,000,000.00	2,015,690.00	15,690.00	Callable 12/15/11, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.002	2,000,000.00	2,000,000.00	2,016,550.00	16,550.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,069,850.00	69,850.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,059,820.00	59,820.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,031,330.00	31,330.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,002,990.00	2,990.00	
FEDERAL FARM CREDIT BANK	04/30/10	04/09/15	Aaa	AAA	2.900	2.916	2,000,000.00	1,999,460.72	2,026,290.00	26,829.28	Callable 04/09/12, once
FEDERAL FARM CREDIT BANK	11/23/10	11/23/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,022,550.00	22,550.00	Callable 05/23/12, then cont.
FEDERAL FARM CREDIT BANK	02/16/11	02/16/16	Aaa	AAA	2.570	2.570	2,000,000.00	2,000,000.00	2,096,270.00	96,270.00	
FEDERAL HOME LOAN BANK	05/26/11	05/26/16	Aaa	AAA	1.250	2.421	2,000,000.00	2,000,000.00	2,001,170.00	1,170.00	SU 3.25% Callable 08/26/11, then qtrly
FEDERAL HOME LOAN BANK	05/25/11	11/25/15	Aaa	AAA	1.000	2.555	2,000,000.00	2,000,000.00	2,001,220.00	1,220.00	SU 1.0%-7.0%, Call 08/25/11, then qtrly
FEDERAL HOME LOAN BANK	06/30/11	06/30/16	Aaa	AAA	1.300	2.297	2,000,000.00	2,000,000.00	2,005,790.00	5,790.00	SU 3% Callable 12/30/11, then qtrly
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,731,558.50	1,758,582.00	27,023.50	, , ,
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,064,520.00	64,520.00	
FEDERAL HOME LOAN BANK	08/05/10	09/12/14	Aaa	AAA	1.375	1.375	2,000,000.00	2,000,000.00	2,034,550.00	34,550.00	
FEDERAL HOME LOAN BANK	06/30/11	06/30/16	Aaa	AAA	2.110	2.110	2,000,000.00	2,000,000.00	2,004,270.00	4,270.00	Callable 09/30/11, then qtrly
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,030,599.56	2,119,070.00	88,470.44	,,,,
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AAA	1.700	1.700	2,000,000.00	2,000,000.00	2,033,690.00	33,690.00	
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,065,880.00	65,880.00	
FEDERAL HOME LOAN BANK	06/29/10	10/29/12	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,019,350.00	19,350.00	
FEDERAL HOME LOAN BANK	06/15/11	06/15/16	Aaa	AAA	2.500	2.500	1,995,000.00	1,995,000.00	1,996,496.25	1,496.25	Callable 08/15/11, monthly
FEDERAL HOME LOAN BANK	05/28/10	05/28/15	Aaa	AAA	2.000	2.653	2,000,000.00	2,000,000.00	2,044,190.00	44,190.00	SU 3.35%, Callable 11/28/12, once
FEDERAL HOME LOAN BANK	06/30/10	06/30/14	Aaa	AAA	1.125	2.033	2,000,000.00	2,000,000.00	2,002,290.00	2,290.00	SU 3% Callable 12/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AAA	4.375	2.277	2,000,000.00	2,084,647.80	2,163,260.00	78,612.20	30 376 Callable 12/30/11, UTICE
	09/17/09		Aaa Aaa	AAA	3.125	2.272				,	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Add	AAA	3.125	2.130	2,000,000.00	2,044,980.13	2,119,070.00	74,089.87	

CITY OF SANTA BARBARA Investment Portfolio July 31, 2011

	PURCHASE	MATURITY	QUALITY	RATING	STATED	YIELD AT	FACE	воок	MARKET	воок	
DESCRIPTION	DATE	DATE	MOODY'S	S&P	RATE	365	VALUE	VALUE	VALUE	GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AAA	1.375	1.325	2,000,000.00	2,000,837.27	2,017,870.00	17,032.73	
FEDERAL HOME LOAN BANK	02/09/11	01/29/15	Aaa	AAA	1.750	1.750	2,000,000.00	2,000,000.00	2,052,300.00	52,300.00	
FEDERAL HOME LOAN BANK	04/15/11	05/27/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,064,960.00	64,960.00	
FEDERAL HOME LOAN BANK	06/30/11	06/30/16	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,003,640.00	3,640.00	Callable 09/30/11, then cont.
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,009,409.84	2,040,450.00	31,040.16	
FEDERAL HOME LOAN MTG CORP	11/23/10	11/23/15	Aaa	AAA	1.750	1.845	2,000,000.00	1,997,200.00	2,002,100.00	4,900.00	Callable 11/23/11, once
FEDERAL HOME LOAN MTG CORP	01/06/11	02/25/14	Aaa	AAA	1.375	1.375	2,000,000.00	2,000,000.00	2,035,120.00	35,120.00	
FEDERAL HOME LOAN MTG CORP	02/22/11	08/22/14	Aaa	AAA	1.700	1.700	1,500,000.00	1,500,000.00	1,500,960.00	960.00	Callable 08/22/11, once
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,971,610.03	2,010,960.00	39,349.97	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AAA	1.125	1.197	1,000,000.00	999,478.34	1,005,680.00	6,201.66	
FEDERAL HOME LOAN MTG CORP	02/11/11	04/02/14	Aaa	AAA	4.500	1.615	2,000,000.00	2,149,545.53	2,193,740.00	44,194.47	
FEDERAL NATL MORTGAGE ASSN	02/17/11	02/17/16	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,025,320.00	25,320.00	Callable 02/17/12, once
FEDERAL NATL MORTGAGE ASSN	06/07/11	03/07/16	Aaa	AAA	2.075	2.075	2,000,000.00	2,000,000.00	2,021,270.00	21,270.00	Callable 06/07/12, once
FEDERAL NATL MORTGAGE ASSN	07/05/11	07/05/16	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,010,650.00	10,650.00	Callable 01/05/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	07/19/11	07/19/16	Aaa	AAA	1.900	2.106	1,000,000.00	1,000,000.00	1,004,755.00	4,755.00	SU 2%-3.5%, Call 01/19/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	08/10/10	08/10/15	Aaa	AAA	2.000	2.055	2,000,000.00	1,997,335.00	2,033,630.00	36,295.00	Callable 08/10/12, once
FEDERAL NATL MORTGAGE ASSN	11/17/10	11/17/14	Aaa	AAA	1.300	1.300	2,000,000.00	2,000,000.00	2,024,150.00	24,150.00	
FEDERAL NATL MORTGAGE ASSN	12/28/10	12/28/15	Aaa	AAA	2.000	2.011	2,000,000.00	1,999,591.67	2,010,140.00	10,548.33	Calllable 12/28/11, once
FEDERAL NATL MORTGAGE ASSN	04/11/11	04/11/16	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,027,580.00	27,580.00	Callable 04/11/12, once
FEDERAL NATL MORTGAGE ASSN	06/27/11	06/27/16	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,018,170.00	18,170.00	Callable 06/27/13, once
FEDERAL NATL MORTGAGE ASSN	08/05/10	08/05/15	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,000,280.00	280.00	Callable 08/05/11, once
FEDERAL NATL MORTGAGE ASSN	09/09/10	09/09/15	Aaa	AAA	1.850	1.871	2,000,000.00	1,999,788.89	2,003,510.00	3,721.11	Callable 09/09/11, once
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,058,910.00	58,910.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AAA	1.625	2.067	2,000,000.00	1,964,532.46	2,026,090.00	61,557.54	
FEDERAL NATL MORTGAGE ASSN	04/18/11	04/18/16	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,055,080.00	55,080.00	Callable 04/18/13, once
FEDERAL NATL MORTGAGE ASSN	06/29/11	12/29/14	Aaa	AAA	1.300	1.300	2,000,000.00	2,000,000.00	2,008,370.00	8,370.00	Callable 03/29/12, once
Subtotal, Federal Agencies						•	110,695,000.00	110,971,762.88	112,640,805.75	1,669,042.87	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA+	2.450	2.530	2,000,000.00	1,993,441.67	2,056,440.00	62,998.33	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	Aa2	AA+	2.250	2.250	2,000,000.00	2,000,000.00	2,009,060.00	9,060.00	
GENERAL ELECTRIC CAPITAL CORP	01/07/11	01/07/14	Aa2	AA+	2.100	2.100	2,000,000.00	2,000,000.00	2,046,120.00	46,120.00	
PRES & FELLOWS OF HARVARD COLL	07/12/11	01/15/14	Aaa	AAA	5.000	1.000	2,000,000.00	2,193,520.62	2,199,460.00	5,939.38	
Subtotal, Corporate Securities						•	8,000,000.00	8,186,962.29	8,311,080.00	124,117.71	•
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	_	_	7.000	7.000	5,962,504.03	5,962,504.03	5,962,504.03	0.00	
Subtotal, SBA Note	3.717,00	00,00,29			1.000		5,962,504.03	5,962,504.03	5,962,504.03	0.00	
TOTALS							163,157,504.03	163,621,229.20	165,414,389.78	1,793,160.58	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.

Agenda	Item	No	

File Code No. 570.05



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

Facilities Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For The MacKenzie

Parking Lot Storm Water Infiltration Project

RECOMMENDATION:

That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the MacKenzie Parking Lot Storm Water Infiltration Project, City Contract No. 23,837, between Shaw Contracting, Inc., and the City, in the amount of \$181,609, for a total project expenditure authority of \$586,662.

DISCUSSION:

BACKGROUND

The MacKenzie Parking Lot Storm Water Infiltration Project (Project) was awarded July 12, 2011, to install 13,500 square feet of permeable concrete pavers in the 35,000 square foot lower parking lot of MacKenzie Park (see attached Project Map). The Project is designed to capture and treat the volume of storm water generated from a 1-inch, 24-hour storm event. The Project will be used as an example of a relatively simple Best Management Practice that meets the City's Storm Water Management Program (SWMP) requirements and can be installed almost anywhere with existing hardscape and low traffic volumes (site conditions permitting).

CURRENT STATUS

Repaving the entire MacKenzie Park parking lot was considered but not proposed at the time the Project was competitively bid because funds for the extra work were not identified at that time. Following the award of the construction contract, additional funding was identified from the Intra-City Services Fund to repave the remaining area of the parking lot. Repair and replacement of existing parking lots is identified in the Six-Year Capital Improvement Program, and replacement of this parking lot is a priority to be completed within the first two years. The existing parking lot pavement is in very

Council Agenda Report Increase In Construction Change Order Authority For The MacKenzie Parking Lot Storm Water Infiltration Project August 23, 2011 Page 2

poor condition and has no road base or foundation. In addition to replacing the parking stalls with permeable pavers under the current contract, this proposed extra work involves removing the existing asphalt and replacing the remaining 21,500 square foot area of travel lanes (non-parking areas) with 8" of base material and 4" of asphalt. Allowing the City's existing contractor, Shaw Contracting, Inc. (Shaw), to complete this work in conjunction with the scheduled permeable paver installation is recommended since this will minimize closure of this highly used parking lot, and will contribute to reducing the total repaving costs. Shaw will already be mobilized with their equipment and crews in this location, and many of the cost elements of repaving the lot were included as bid items in Shaw's existing construction contract. Using Intra-City Services Fund for the proposed extra work may result in a one to two year delay in replacement of the Cabrillo Ballfield Lights, a project the Facilities Division had scheduled for FY 2011. Staff negotiated a fair and reasonable price for the proposed extra work.

Shaw is fully qualified to do this work, as evidenced by their past performance with City projects. They were awarded the Project based on their low bid for the original permeable paver installation. Therefore, staff recommends that Council authorize an increase in the Project change order authority to Contract No. 23,837 in the amount of \$181,609 in order to cover the cost of this extra work.

BUDGET/FINANCIAL INFORMATION:

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Contract Amount	\$368,230	\$36,823	\$405,053
Proposed Increase	\$0	\$181,609	\$181,609
Totals	\$368,230	\$218,432	\$586,662

Council Agenda Report Increase In Construction Change Order Authority For The MacKenzie Parking Lot Storm Water Infiltration Project August 23, 2011 Page 3

The following summarizes all project design costs, construction contract funding, and other project costs.

ESTIMATED TOTAL PROJECT COST

*Cents have been rounded to the nearest dollar in this table.

Design Subtotal	\$56,143
Construction Contract	\$368,230
Construction Change Order Allowance (Initial)	\$36,823
Construction Change Order Allowance (Increase)	\$181,609
Construction Management/Inspection by City Staff (Initial)	\$60,758
Construction Management/Inspection by City Staff (Increase)	\$19,242
Other Construction Costs (testing, etc.) (Initial)	\$2,000
Other Construction Costs (testing, etc.) (Increase)	\$5,400
Construction Subtotal	\$674,062
Project Total	\$730,205

The increase in the construction change order authority will be paid for out of the Intra-City Services Fund, which has sufficient funds to cover the extra work item. The original construction contract is being funded by Creek Restoration/Water Quality Improvements – Capital funds.

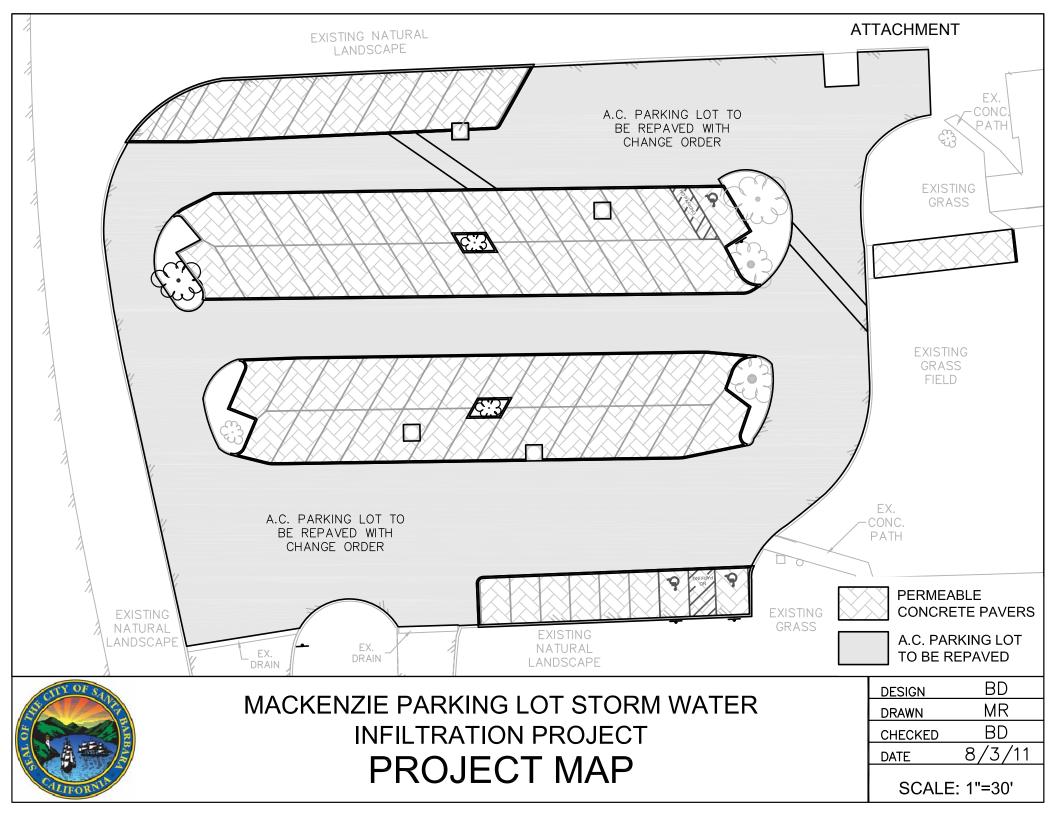
ATTACHMENT: Project Map

PREPARED BY: John Ewasiuk, Principal Civil Engineer/MR/sk

Jim Dewey, Facilities and Energy Manager

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda	Item	No.

File Code No. 570.05



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Facilities Division, Public Works Department

SUBJECT: Contract For Design For The Cabrillo Pavilion And Bathhouse Facility

Assessment

RECOMMENDATION:

That Council authorize the Public Works Director to execute a standard City Professional Services Agreement with Kruger Bensen Ziemer Architects, Inc., in an amount not to exceed \$199,660 for design and support services for the Cabrillo Pavilion and Bathhouse Facility Assessment, and approve expenditures of up to \$19,966 for extra services that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

The City Parks and Recreation Department is considering renovating and reprogramming the Cabrillo Pavilion and Bathhouse Facility. Preliminary structural concrete assessment work has already been performed, and the Redevelopment Agency (RDA) and City Council have authorized and implemented formation of a business plan team to evaluate the programming. To complete the full facility assessment, staff recommends that Council award a Professional Services contract with the architectural firm of Kruger Bensen Ziemer Architects, Inc. (KBZ) for the Cabrillo Pavilion and Bathhouse Facility Assessment (Project). The Project is being funded through RDA Capital Funds and the Public Works Department, Facilities Division, for any extra services that may be required.

DISCUSSION:

BACKGROUND

The Anton Johnson Company of Los Angeles built the Cabrillo Pavilion Arts Center and Bathhouse Facility in 1926, based on a design by Rolan Sauter and Keith Lockard, with funding from Mr. and Mrs. David Gray, Sr. In 1941, the building was expanded to accommodate new community and youth activities. In 1977, the City Council authorized a change in use of the second story from youth programming to the current Cultural Arts

Council Agenda Report Contract For Design For Cabrillo Pavilion And Bathhouse Facility Assessment August 23, 2011 Page 2

Center. In 1988, the City remodeled the entrance approach from Cabrillo Boulevard during a general remodel to the facility.

The Cabrillo Pavilion Arts Center is comprised of the entire second floor of the building, housing a few Parks & Recreation offices, a small meeting room, a large events facility and a kitchen. There are also two side balconies with stairs leading down to the beach. The Bathhouse encompasses the first floor of the building, housing a restaurant concession, Parks & Recreation offices, a small gym, men's and women's locker rooms, and public bathrooms. The Parks & Recreation Department manages their Sports, Aquatics, and Adaptive programs out of the Bathhouse; this includes the Junior Lifeguard program.

In October 2008, the Infrastructure Financing Task Force identified renovation of the Cabrillo Bathhouse as a key project. On June 29, 2010, the RDA Board adopted the Fiscal Year 2011 Capital Program, which included the allocation of \$250,000 toward the preparation of a building feasibility assessment and a business plan for the renovation of the Cabrillo Bathhouse. The purpose of the renovation is to address structural and mechanical deficiencies, increase recreational programming and other community serving uses, and to expand revenue opportunities to offset operating expenses.

On June 21, 2011, the RDA Board and City Council approved the Cooperation Agreement for the Cabrillo Pavilion/East Beach Bathhouse Renovation between the Redevelopment Agency and the City of Santa Barbara ("Cabrillo Pavilion Cooperation Agreement"). In that Agreement, the City agreed to complete the Project and the RDA agreed to reimburse the City for all associated expenses. Subsequently, on June 28, 2011, City Council implemented the provisions of the Cabrillo Pavilion Cooperation Agreement though Council approval of the Design Services Agreement with GreenPlay, LLC.

The building is located within the State's East Cabrillo Boulevard Parkway Historic District and is designated as a City Structure of Merit, which allows alterations to the exterior of the building; however, any changes would be closely reviewed by the City's Historic Landmark Commission for adherence to the guidelines set forth for the El Pueblo Viejo Landmark District and the Waterfront Area Aesthetic Criteria for New Development. In addition, change in use of the facility may require a Coastal Development Permit and approval from the City's Planning Commission for consistency with the city Local Coastal Plan.

On February 2, 2007, B.W. Smith Structural Engineers (B.W. Smith) submitted a structural condition analysis report of the concrete beams and guardrail/parapet of the outdoor deck on the second floor. Their report identified spalling concrete, exposed reinforced steel rebar, and cracking concrete and plaster throughout the facility, as would be expected of a building of this age and location, particularly one with sea air exposure. B.W. Smith recommended that the cracks, delaminated concrete, and exposed rebar be repaired, and recommended further evaluation of the concrete to determine how much the change in pH is affecting the corrosion.

Council Agenda Report Contract For Design For Cabrillo Pavilion And Bathhouse Facility Assessment August 23, 2011 Page 3

PROJECT DESCRIPTION

The work consists of a complete assessment of the Cabrillo Pavilion Arts Center and Bathhouse Facility. Work to be performed includes: architectural analysis and design, civil assessment for drainage and surveying, ADA compliance assessment, structural evaluation of the building and upgrades to meet the current seismic code, mechanical and electrical assessments, landscaping, fire protection, and sea-level rise impact assessment. The work would also include environmental services including asbestos survey, lead based paint screening, preliminary mold/moisture assessments, and hazardous materials testing. In addition, the consultants would perform an initial Leadership in Energy and Environmental Design (LEED) evaluation and coordinate with the Parks & Recreation Business Plan to provide preliminary design alternatives for the program space.

DESIGN PHASE CONSULTANT ENGINEERING SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with KBZ in an amount not to exceed \$199,660 for a full architectural, structural, mechanical, electrical, etc., assessment of the Cabrillo Pavilion Arts Center and Bathhouse Facility.

The City selected KBZ as part of an RFP process that included a proposal listing descriptions of recent projects, client references, descriptions of the consultant team, a statement of the proposed approach, estimated staff hours, schedule, and insurance documents. The consultants also submitted to an interview process which included submitting a fee proposal in a separate sealed envelope. The selection was made based on the consultant's qualifications, key staff qualifications, schedule, proposed responsiveness to City Staff needs, and understanding of the proposed Project.

FUNDING

The Project is being funded through the City's RDA under the Redevelopment Capital Projects Fund, with extra services funded by the Public Works Department, Facilities Division. The Business Plan allocation, per the Council's June 28, 2011, decision, is listed below as a reference.

There are sufficient funds in the Redevelopment Capital Projects Fund and the Facilities Fund to cover these costs.

Council Agenda Report Contract For Design For Cabrillo Pavilion And Bathhouse Facility Assessment August 23, 2011 Page 4

CONSULTANT CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Business Plan Consultant	\$45,700	\$4,570	\$50,270
Authorized for Business Plan*		\$50,270*	
Facility Assessment	\$199,660	\$19,966	\$219,626
TOTAL RECOMMENDED AUTHORIZATION			\$219,626

^{*} Council allocated on June 28, 2011.

HEALTH AND SAFETY CODE COMPLIANCE (§33445)

Health and Safety Code Section §33445 findings for the project were made by Council on June 28, 2011, in association with the approval of the Design Services Agreement with GreenPlay, LLC.

SUSTAINABILITY IMPACT:

The Project will further the City's Sustainability Program goals, mostly during the construction phase, through incorporating environmentally responsible design and construction techniques including, but not limited to, the specification of recycled content building materials, construction debris recycling processes, energy conserving electrical systems, materials, fixtures and appliances and the use of drought tolerant landscaping specifically selected from local native plants which use less water, therefore conserving further natural resources. These techniques further the City's sustainability goals in a variety of ways specific to the individual project and include reducing waste, recycling, and reducing resource consumption.

PREPARED BY: James Dewey, Facilities Manager/JW/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Agenda	Item	No.		
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File Code No. 540.10



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

Engineering Division, Public Works Department

SUBJECT: Contract For Construction For The Ortega Groundwater Treatment

Plant Rehabilitation And Improvements Project

RECOMMENDATION: That Council:

- A. Reject the bid protest of GSE Construction Co., Inc., and award a contract to PCL Construction, Inc., in their low bid amount of \$5,076,296 for construction of the Ortega Groundwater Treatment Plant Rehabilitation and Improvements Project, Bid No. 3519:
- B. Authorize the Public Works Director to execute the contract with PCL Construction, Inc., and approve expenditures up to \$507,630 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment:
- C. Authorize the Public Works Director to execute a contract with Carollo Engineering in the amount of \$418,794 for design support services during construction, and approve expenditures of up to \$41,880 for extra services that may result from necessary changes in the scope of work;
- D. Authorize the Public Works Director to execute a contract with Penfield and Smith in the amount of \$630,576 for construction management services, and approve expenditures of up to \$63,058 for extra services that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to execute a contract with Systems Integrated in the amount of \$725,109.98 for Supervisory Control and Data Acquisition (SCADA) integration services, and approve expenditures of up to \$72,511 for extra services that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

Eleven bids were received for the Ortega Groundwater Treatment Plant Rehabilitation and Improvement Project ("OGTP"). The lowest bidder was PCL Construction, Inc.

(PCL). Staff recommends that Council reject the bid protest of GSE Construction Co., Inc. (GSE) and authorize the Public Works Director to accept the low bid and enter into a contract with PCL. Staff recommends that Council authorize the Public Works Director to enter into contracts with Carollo Engineering (Carollo), Penfield & Smith (P&S), and Systems Integrated (SI) for services during construction.

DISCUSSION:

PROJECT DESCRIPTION

The City's groundwater supplies are an important part of the City's overall water supply. They help meet peak summer water demands and supplement depleted surface water supplies during droughts. Groundwater supplies also serve as an emergency source in the event of catastrophic interruption of the supplies from the Santa Ynez River and State Water Project. Additionally, groundwater supplies could be used to assist the City with complying with stricter drinking water quality regulations that will be in effect by 2012.

The existing Ortega Groundwater Treatment Plant (OGTP) was constructed in the 1970s to treat high levels of naturally occurring iron and manganese in groundwater pumped from the four downtown area wells: Ortega Park, Corporation Yard, Vera Cruz, and City Hall. These wells provide approximately 50% of the City's overall groundwater pumping capacity. The OGTP and four wells played an important water supply role during the drought of the late 1980s. Currently, the OGTP and four downtown wells are in need of significant rehabilitation in order for them to once again become an important part of the City's water supply.

On November 17, 2009, Council awarded the final design contract to Carollo to complete the design for the OGTP and wells to reliably produce and treat up to three million gallons of groundwater per day for the City's distribution system. The scope included refurbishing the existing pressure vessels and storage tanks, and improving the related pumping and collection systems. Rehabilitation work targeted for the wells includes various amounts of well structure improvements and upgrades to existing electrical, piping, and pumping systems.

Because the OGTP Project also addressed upcoming water regulation compliance, it was eligible for funding through a low interest Safe Drinking Water State Revolving Fund Ioan. Following Council authorization to apply for the Ioan for the OGTP and Cater Water Treatment Plant Advanced Treatment Project (Ozone Project), the City received a funding agreement for a 20-year, 2.5017% interest Ioan in the amount of \$29,283,000 for both projects. Approximately \$8.7 million of the Ioan will fund the OGTP Project.

CONTRACT BIDS

A total of eleven bids were received for the OGTP work, ranging as follows:

	BIDDER	BID AMOUNT
1.	PCL Construction, Inc San Marcos, CA	\$5,076,296
2.	Tierra Contracting, Inc. – Goleta, CA	\$5,176,027
3.	Cushman Contracting Corp. – Goleta, CA	\$5,304,000
4.	Tri-Technic/R.E. Smith – Sonora, CA	\$5,328,000
5.	GSE Construction Co., Inc Livermore, CA	\$5,385,880
6.	Lash Construction, Inc. – Santa Barbara, CA	\$5,578,280
7.	CW Roen Construction Co Danville, CA	\$5,650,000
8.	Spiess Construction Co., Inc Santa Maria, CA	\$5,692,700
9.	Nicholas Construction, Inc Shafter, CA	\$5,829,468
10.	MallCraft, Inc. – Pasadena, CA	\$6,314,175
11.	Specialty Construction, Inc. – San Luis Obispo, CA	\$6,461,680

The low bid of \$5,076,292, submitted by PCL, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

Staff recommends that Council reject the bid protest of GSE, as discussed below.

Staff recommends that Council award and authorize the Public Works Director to execute a contract with PCL in the amount of \$5,076,296 and approve expenditures up to \$507,630 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment. The change order funding recommendation of \$507,630, or 10%, is typical for this type of work and size of project.

BID PROTEST

The fifth apparent lowest bidder, GSE, asserted a timely protest to the City concerning the PCL bid.

GSE asserts that the PCL bid should be rejected as non-responsive because of PCL's failure to submit a Certificate of Authority for the payment bond for the project. The Certificate of Authority notification is listed after the recital of documents that must be provided with the submittal of the bid proposal and is intended to put the contractors on notice that this form will be required upon award of contract when a payment bond is required. Contractors are not required to provide the Certificate of Authority for the payment bond with their bid proposals. In consultation with the City Attorney's Office,

City staff has concluded that PCL's failure to submit this form is not an irregularity, and therefore, the protest has no merit.

Staff provided GSE with its written analysis of the bid protest on August 4, 2011, and invited GSE to provide the City with any additional documents or other information available to GSE to support its bid protest. Staff also informed GSE that it intended to recommend to the City Council rejection of the bid protest and award of the contract to PCL on August 23, 2011 and invited GSE to attend the Council meeting and present additional information. To date, staff has received no response from GSE.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Carollo in the amount of \$418,794 for design support services during construction and approve expenditures of up to \$41,880 for extra services that may result from necessary changes in the scope of work. The extra services funding recommendation of 10% is typical for this scope of work. Carollo designed the OGTP Project and is experienced in this type of work.

Staff recommends that Council authorize the Public Works Director to execute a contract with P&S in the amount of \$630,576, with \$63,058 in extra services for construction management services that may result from necessary changes in the scope of work. The cost of the extra services is 10% and is typical for this scope of work. P&S was selected to provide this service by a Request For Proposal process. P&S staff has participated in construction management services for other City projects and is experienced in this type of work.

Staff recommends that Council authorize the Public Works Director to execute a contract with SI in the amount of \$725,109.98 with \$72,511 in extra services for SCADA integration services that may result from necessary changes in the scope of work. SCADA integration services are a critical aspect of this project, encompassing all necessary software, programming, and hardware necessary to operate and monitor the water treatment process to ensure the highest quality drinking water. Due to the specialization of this work and the need for close interaction with Cater staff, the City chose to enter a separate contract with SI rather than have these services provided under the general contractor, PCL. SI was selected to provide this service by an RFP process which included integrators from the City's pre-qualified list. SI is experienced in this type of work.

COMMUNITY OUTREACH

During the design process, several community outreach meetings were held for the neighboring area to discuss the impact of construction. Neighbors were also notified and participated in the Historic Landmarks Committee process for the OGTP Project. Neighbors will receive notification prior to the start of construction.

FUNDING

On March 15, 2011, Council authorized acceptance of a State Revolving Fund loan in the amount of \$29,283,000 for the OGTP and Ozone Projects and increased the appropriation and revenue by \$29,283,000 in the Water Capital Fund. A portion of these proceeds will fund the OGTP Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
PCL	\$5,076,296.00	\$507,630.00	\$5,583,926.00
Carollo	\$418,794.00	\$41,880.00	\$460,674.00
P&S	\$630,576.00	\$63,058.00	\$693,634.00
SI	\$725,109.98	\$72,511.00	\$797,620.98
TOTAL RECOMMENDED AUTHORIZATION			\$7,535,854.98

The following summarizes all OGTP Project design costs, construction contract funding, and other OGTP Project costs:

ESTIMATED TOTAL PROJECT COST

*Cents have been rounded to the nearest dollar in this table.

Design (by Contract)	\$778,000
Design Administration (by City Staff)	\$157,132
Subto	tal \$935,132
Construction Contract	\$5,076,296
Construction Change Order Allowance	\$507,630
SCADA Integration (by Contract)	\$797,621
Subto	tal \$6,381,547
Construction Administration and Survey (by City Staff)	\$169,598
Construction Management/Inspection (by Contract)	\$693,634
Design Support during Construction (by Contract)	\$460,674
Subto	tal \$1,323,906
TOTAL PROJECT COST	\$8,640,585

SUSTAINABILITY IMPACT:

The OGTP Project provides a supplemental water source and addresses emergency supply in the event of catastrophic interruption of the supplies from the Santa Ynez River and State Water Project. The OGTP Project will incur increased environmental impacts, including increased truck trips and electrical usage. However, staff has worked closely with the consultant to limit the extent of the impacts.

PREPARED BY: Cathy Taylor, Water System Manager/LS/mj

Joshua Haggmark, Principal Civil Engineer/LS/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Agenda Item No	Agenda	Item	No
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File Code No. 320.01



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

Housing and Redevelopment Division, Community Development

Department

SUBJECT: Contract For Conceptual Design For The Police Station Replacement

Project

RECOMMENDATION:

That Council authorize the Public Works Director to execute a standard City Professional Services Agreement, in a form of agreement acceptable to the City Attorney, with Leach Mounce Architects in the amount of \$323,796 for conceptual design services for the Police Station Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$32,380 for extra services which may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

On March 1, 2011, Council heard a report on the need to rebuild the existing Police Department Headquarters due to numerous structural deficiencies and outdated building systems. Most importantly, the Council report included an analysis that identified structural deficiencies of the existing police building that could make it inoperable after a major earthquake. At that time, Council appointed a three-member City Council Ad Hoc Subcommittee comprised of Councilmembers Rowse, Self, and White, to consider the use of the current site on Figueroa Street to rebuild the Police Department Headquarters, and to discuss funding options.

On June 28, 2011, Council approved the Ad Hoc Subcommittee recommendations which included confirmation that rebuilding the Police Department Headquarters was the number one capital infrastructure need for the City of Santa Barbara, and that the next step would be to enter into a contract with a qualified architectural firm and professional team to develop additional planning, design, and cost estimating necessary

Council Agenda Report Contract For Conceptual Design For The Police Station Replacement Project August 23, 2011 Page 2

for Council to consider placing a voter approved financing mechanism for a new Police building on the special City election ballot for November 2012.

PROJECT DESCRIPTION

The intent of this initial conceptual design phase is to thoroughly investigate the concepts of rebuilding a new modern police station on the existing site, preliminarily vetting all environmental impacts, and producing a detailed construction cost estimate. The information generated can then be used to inform policy makers and the public as possible financing options are considered. This contract would not include final project design services.

DESIGN PHASE CONSULTANT ENGINEERING SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Leach Mounce Architects (LMA) in the amount of \$356,176 for professional architectural and engineering services for conceptual design. LMA's proposal includes teaming up with a local architectural firm, Lenvik and Minor Archcitects, who are familiar with local design guidelines. LMA was one of six firms that submitted proposals in response to the Request for Proposals issued by the City. All proposals were reviewed and evaluated by a seven-person panel composed of a local architect, representatives from the Public Works and Community Development Departments, the City Administrator's Office, and the Police Department. LMA's proposal was selected because it best met the needs of the project and demonstrated a strong track record of similar successful projects. LMA is a local firm located in Ventura who specializes in the design and remodel of law enforcement facilities.

COMMUNITY OUTREACH

The Police Station Ad Hoc committee recongnize that it is important to educate the public about the deficiencies of the police building and the need to replace it. The following is a list of community support and outreach ideas that were generated and are planned by staff for implementation during this conceptual design phase:

- Prepare a City TV/Channel 18 informational presentation on the building's deficiencies and needs;
- Present the need for a new facility at a joint meeting of the Police and Fire and Planning Commissions;
- Conduct a number of focused public tours of the facility to key community leaders and interested parties; and
- Develop a community support organization to further the discussion and education of the need for a new facility.

Council Agenda Report Contract For Conceptual Design For The Police Station Replacement Project August 23, 2011 Page 3

FUNDING

The following table summarizes the estimated total project costs:

ESTIMATED TOTAL PROJECT COST

Conceptual Design	
Conceptual Design (by Contract)	\$356,176
Project Administration and CEQA Environmental Determination (by City staff)	\$275,000
Subtotal	\$631,176
Final Design and Construction	
Subtotal	\$48,000,000
TOTAL PROJECT COST	\$48,631,176

Estimated costs have been italized.

There is approximately \$7 million in Redevelopment Agency funds set aside currently in the project fund account for use in addressing improvements to the Police Station. In June 2011, the Redevelopment Agency programmed \$13 million toward the project, for a total of \$20 million. Recent State budget legislation requiring payments to the State may reduce the overall budget. A lawsuit challenging the constitutionality of this legislation is pending.

There are sufficient funds in the Agency's Project fund account (approximately \$7 million) to cover the initial conceptual design costs. The total project cost is currently estimated to be just under \$50 million. The full cost of this project is anticipated to require an additional \$30 million in funding that has not yet been identified but is anticipated to require a ballot measure to approve a dedicated financing revenue source. Following completion of conceptual design, staff anticipates returning to Council in July 2012 with a more detailed cost estimate and a recommendation to resolve the remaining funding shortfall.

SUSTAINABILITY IMPACT

Consistent with Council policy, this project would be designed to achieve Leadership in Energy and Environmental Design (LEED) Silver certification for new construction.

HEALTH AND SAFETY CODE SECTION 33445.1

The Project is located outside the Central City Redevelopment Project Area (CCRP). California Redevelopment Law permits redevelopment agencies to spend redevelopment funds for redevelopment purposes outside of the Project Area if certain findings are made by the legislative body. On June 8, 2010, the Council of the City of

Council Agenda Report Contract For Conceptual Design For The Police Station Replacement Project August 23, 2011 Page 4

Santa Barbara approved and adopted Resolution No. 10-035, making the findings required by Health and Safety Code Section 33445.1 for Redevelopment Agency funding of capital improvements for the Police Station Rehabilitation Project located outside and not contiguous to the CCRP Area.

PREPARED BY: Joshua Haggmark, Principal Engineer/LS/mj

Brian Bosse, Housing and Redevelopment Manager/MEA

SUBMITTED BY: Christine F. Andersen, Public Works Director

Paul Casey, Assistant City Administrator/Community

Development Director

APPROVED BY: City Administrator's Office

Agenda It	em No.

File Code No. 530.05



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: Introduction Of Ordinance Establishing Bay View Circle As A One-

Way Street

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Revising Section 10.60.030, Establishing Bay View Circle as a Counter-Clockwise One-Way Street.

DISCUSSION:

Bay View Circle is a residential street on the Mesa where Santa Cruz Boulevard, Pacific Avenue, and Santa Rosa Avenue converge. It has operated as a one-way street, with on-street parking, since the 1920s. Due to the width of the street, it must remain as a one-way street in order to maintain the parking.

Neighborhood complaints regarding some drivers traveling the wrong way around the circle has made it necessary to install regulatory one-way signage. This street has never been part of the list of one-way streets in Section 10.60.030 of the Municipal Code. Adding this signage provides positive guidance to the flow of traffic, and allows for Police enforcement of wrong way movements by formally adding this street to the Municipal Code.

PREPARED BY: Browning Allen, Transportation Manager/PD/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

COUNCIL INTRODUCTION DRAFT August 23, 2011 SHOWING CHANGES FROM CURRENT CODE NEW PROVISIONS SHOWN IN UNDERLINE

NO.
NO

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 10.60 OF THE MUNICIPAL CODE BY REVISING SECTION 10.60.030, ESTABLISHING BAY VIEW CIRCLE AS A COUNTER-CLOCKWISE ONE-WAY STREET

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION ONE. Section 10.60.30 of Chapter 10.60 of Title 10 of the Santa Barbara Municipal Code is amended to read as follows:

10.60.30 Schedule of One-way Streets

In accordance with Section 10.60.030, and when properly sign posted, it shall be unlawful for the operator of any vehicle to drive in the direction indicated below on the following streets or portions of streets:

- 1. **Unnamed alley** lying between Anacapa Street and State Street extending from the Lobero Garage Paseo to Carrillo Street: In a southeasterly direction on the unnamed alley lying between Anacapa Street and State Street from the Lobero Garage Paseo to Carrillo Street.
- 2. **Unnamed alley** lying between Robbins Street and Mountain Avenue adjacent to Harding School: In a northeasterly direction on the unnamed alley lying between Robbins Street and Mountain Avenue adjacent to Harding School.
- 3. **ALAMEDA PADRE SERRA:** In a westerly direction on the south side of Alameda Padre Serra or in an easterly direction on the north side of Alameda Padre Serra, where the roadway of Alameda Padre Serra is divided by a parkway in the central portion thereof; provided that vehicles traveling in an easterly direction on Alameda Padre Serra may drive to the north side of the dividing wall located between Dover Road and Arbolado Road for the purpose of entering Arbolado Road.
- 4. **ANACAPA STREET:** In a northwesterly direction on Anacapa Street between Gutierrez Street and Mission Street.
- 5. **BATH STREET:** In a southeasterly direction on Bath Street between Haley Street and Mission Street.
 - 6. BAY VIEW CIRCLE: In a clockwise direction for its entirety.
- 7. **CASTILLO STREET:** In a northwesterly direction on Castillo Street between Cota Street and Mission Street.
- 8. **CHAPALA STREET:** In a southeasterly direction on Chapala Street between Alamar Avenue and Carrillo Street.

- 9. **CLEVELAND AVENUE:** In a southerly direction on the east side of Cleveland Avenue or in a northerly direction on the west side of Cleveland Avenue in either the nineteen hundred (1900) or two thousand (2000) blocks thereof.
- + 10. **CORONEL STREET:** In a northeasterly direction on Coronel Street from a point one hundred feet northeasterly of the intersection of Coronel Street and Loma Alta Drive to a point 630 feet northeasterly of the intersection of Coronel Street and Loma Alta Drive.
- 11. **DE LA GUERRA PLAZA:** In a direction other than entry into De La Guerra Plaza via the street on the southwesterly side of De La Guerra Plaza, proceeding in a southeasterly direction along that street on the southwesterly side of De La Guerra Plaza and continuing in a northwesterly direction only along the street on the northeasterly side of De La Guerra Plaza.
- 12. **DE LA VINA STREET:** In a northwesterly direction on De La Vina Street between Haley Street and Constance Avenue.
- 13. **EMERSON AVENUE:** In a southerly direction on the east side of Emerson Avenue or in a northerly direction on the west side of Emerson Avenue in either the nineteen hundred (1900) or two thousand (2000) blocks thereof.
- 14. **EQUESTRIAN AVENUE:** In an easterly direction on Equestrian Avenue between Santa Barbara and Garden Streets.
- 15. **GRAND AVENUE:** In a westerly direction on the south side of Grand Avenue or in an easterly direction on the north side of Grand Avenue between Pedregosa Street and Moreno Road where the roadway of Grand Avenue is divided into two (2) levels.
- 16. **PROSPECT AVENUE:** In an easterly direction on Prospect Avenue between Valerio Street and Cleveland Avenue.
- 17. **SANTA BARBARA STREET:** In a southeasterly direction on Santa Barbara Street between Haley Street and Mission Street.
- 18. **STATE STREET:** In a northwesterly direction on the southwesterly side of State Street or in a southeasterly direction on the northeasterly side of State Street between Mission Street and Constance Avenue where the roadway of State Street is divided by a central parkway.

Agenda	Item	No	

File Code No. 640.09



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Community Priority Designation For Antioch University At

602 Anacapa Street

RECOMMENDATION:

That Council find that the Antioch University development project at 602 Anacapa Street meets the definition of a Community Priority Project, and grant the project a Final Community Priority Designation for an allocation of 2,671 square feet of nonresidential floor area.

DISCUSSION:

The project consists of a proposal to construct a 3,626 square foot (sf) addition, to create classrooms and offices for Antioch University, completely within the existing first floor volume of an existing mixed-use building. On May 17, 2011, the City Council reviewed a request and granted a preliminary allocation of 2,671 square feet from the Community Priority category. In addition to the requested allocation from the Community Priority category, the applicant has proposed the use of 955 square feet from the Small Addition category as defined in Santa Barbara Municipal Code Section 28.87.300.B to complete a new second floor within the existing one-story volume. On August 11, 2011, the Planning Commission approved the project and recommended that Council make the final determination and grant the requested Community Priority allocation. In order to proceed with this project, the applicant requests that a final allocation of 2,671 square feet be granted from the Community Priority category.

Environmental Review

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301, Existing Facilities.

Council Agenda Report Community Priority Designation For Antioch University At 602 Anacapa Street August 23, 2011 Page 2

Community Priority Category

Santa Barbara Municipal Code Section 28.87.300 provides for City Council designations of square footage for projects of broad public benefit deemed "necessary to meet present or projected needs directly related to public health, safety or general welfare". To date, a total of 234,636 square feet has been allocated (both preliminary and final designations) out of the Community Priority Category, with 65,364 square feet still available. Please refer to Attachment 3 for a list of Community Priority projects that have received a Preliminary or Final Designation. As noted on the list, there are some preliminary designations that may be reallocated to other categories, or withdrawn. These changes could possibly result in 27,000 to 99,500 square feet being added back to the Community Priority category to be used for future allocations.

Needs Assessment

The proposed addition would accommodate the school's existing operational needs from existing programs which are being relocated to the site. The project meets the definition of a community priority project because Antioch is an institution of higher learning which caters to Santa Barbara residents by providing students knowledge, skills, and habits which contribute to the general welfare of the community. Both Staff and the Planning Commission believe that the project meets the definition of a community priority and, therefore recommend final approval of Community Priority Category allocation of 2,671 square feet.

ATTACHMENTS: 1. Site Plan and Floor Plans

2. Applicant Letter dated July 1, 2011

3. Community Priority Projects List

PREPARED BY: Suzanne Riegle, Assistant Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

32,999.1 SQ.FT.

TOTAL GROSS FLOOR AREA

RTRUCTURAL ENGINEER

SITE TABULATIONS

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LIGHTING DESIGN

SCOPE OF WORK

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D.A.R.T. SUBMITTAL



ATTACHMENT 1

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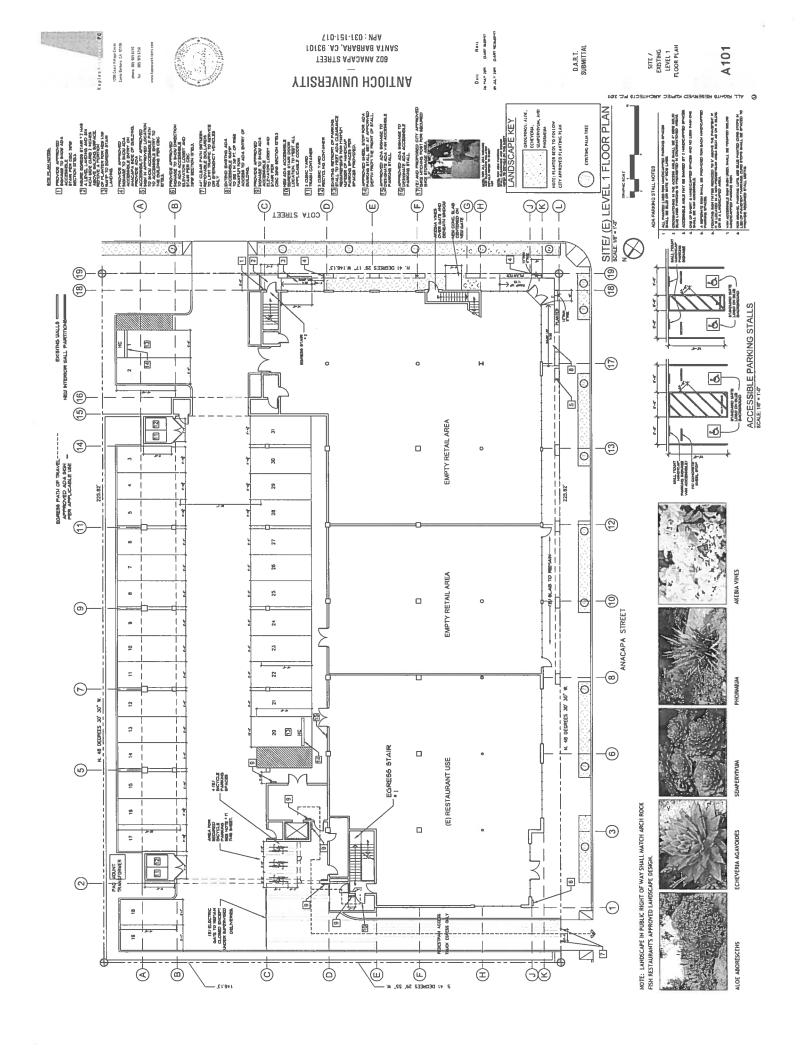
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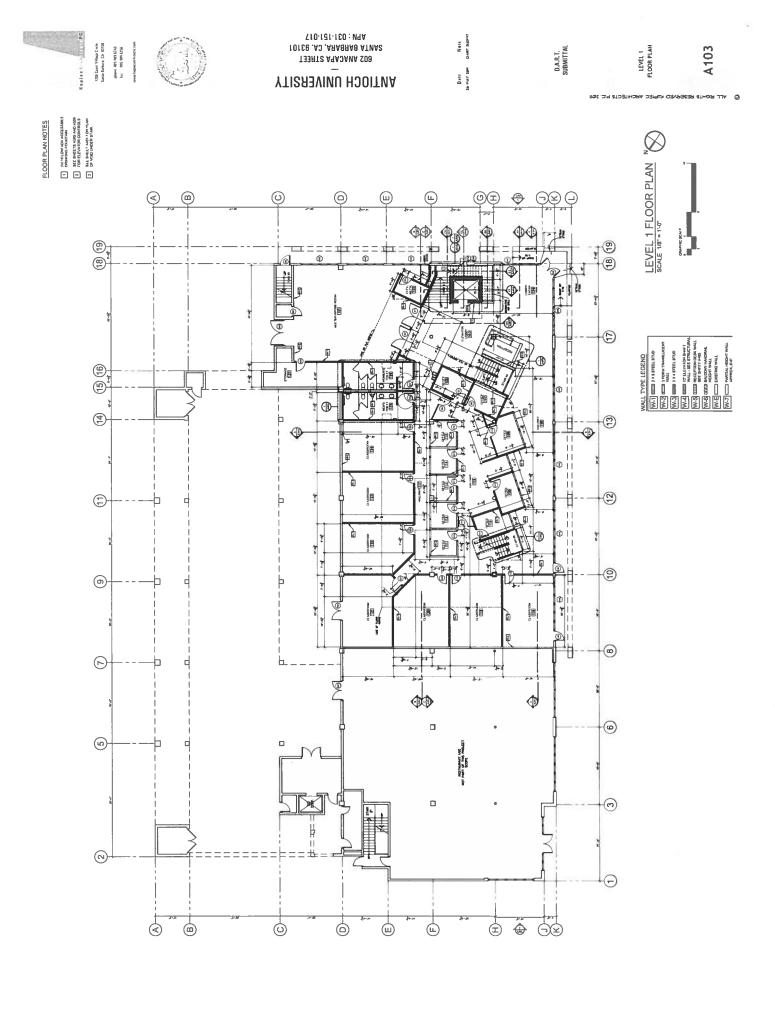
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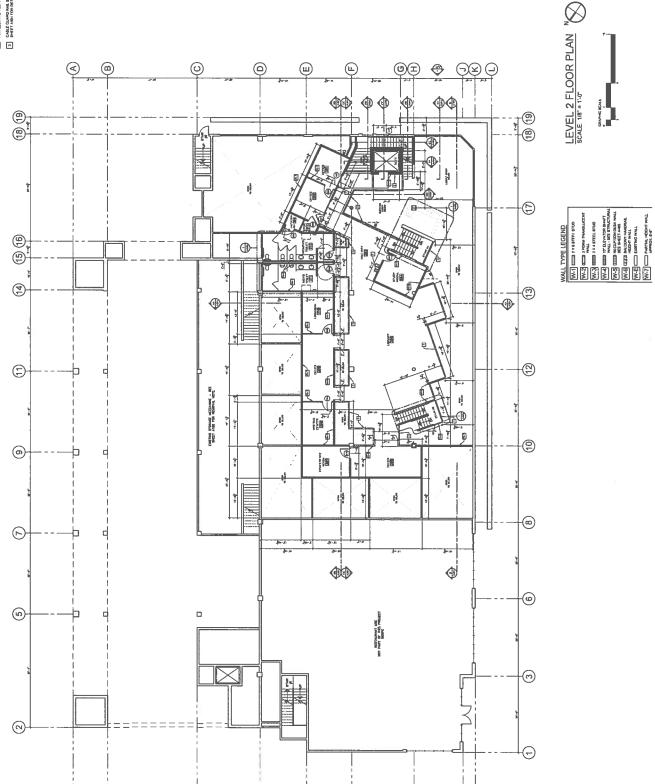
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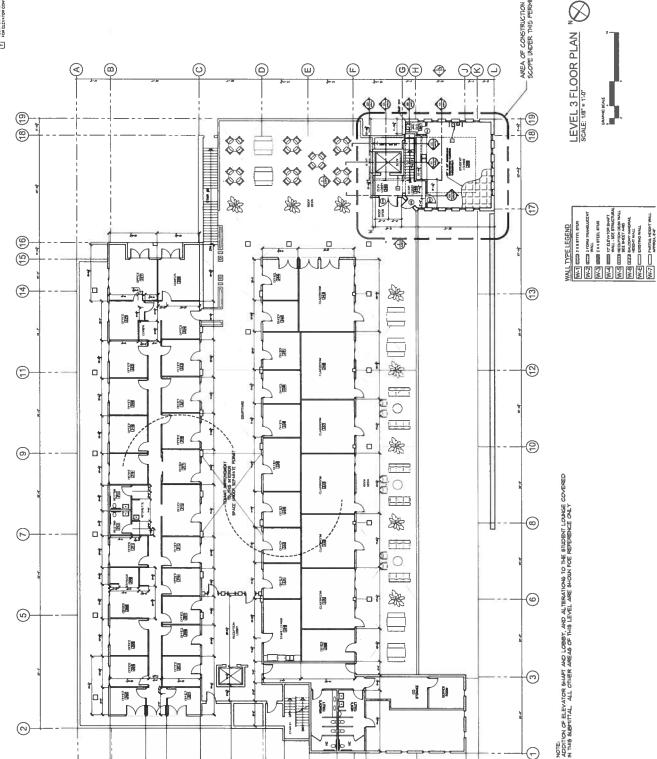
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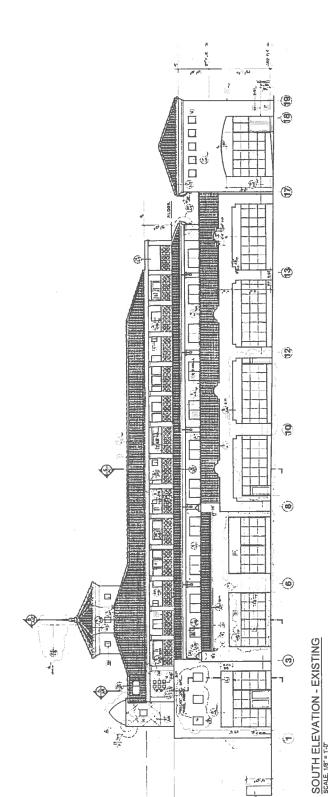


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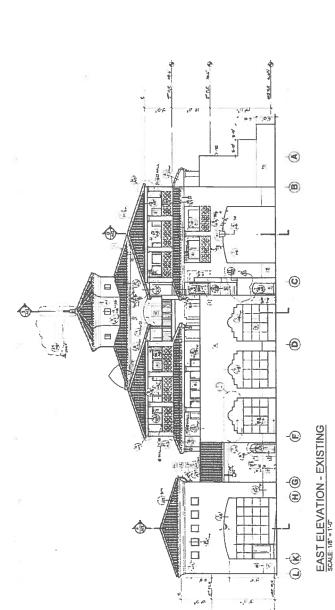
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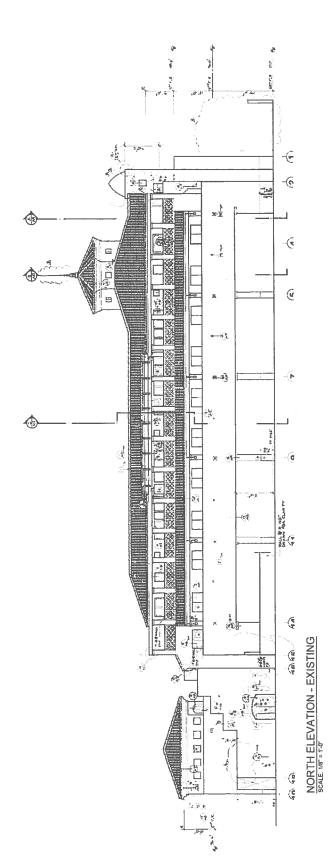
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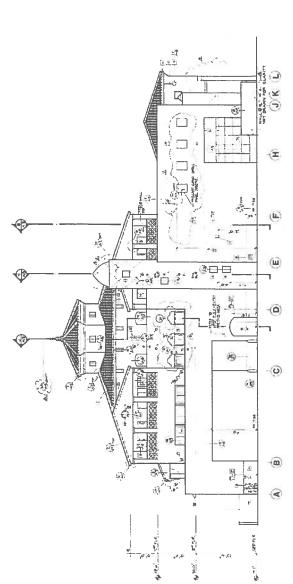
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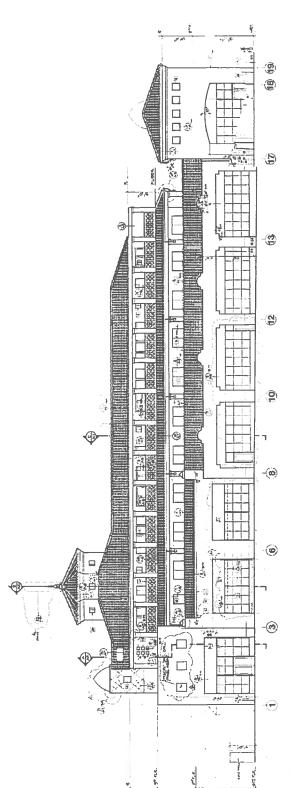
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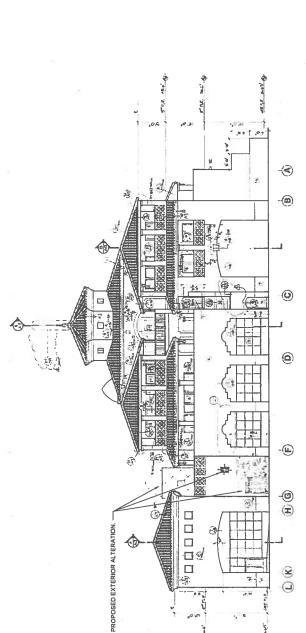


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D.A.R.T. Submittal

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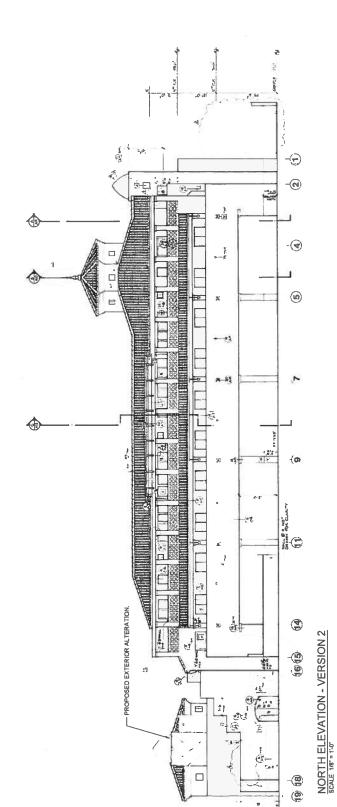
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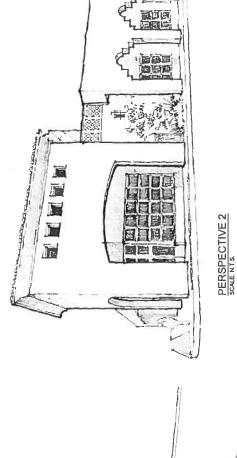
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ANTIOCH UNIVERSITY

D.A.R.T. SUBMITTAL

A906

PERSPECTIVE 3 SCALE, N.T.S.

PRINCIPAL PLANNERS SUZANNE ELLEDGE • LAUREL F. PEREZ

1 July 2011

Planning Commission City of Santa Barbara 630 Garden Street Santa Barbara, CA 93101

RE: 602 Anacapa Street – Antioch University (MST2011-00145)
Applicant Letter/Project Description
Development Plan Approval/Community Priority

Dear Commissioners,

On behalf of Antioch University, applicants of 602 Anacapa Street, we are pleased to submit this Applicant Letter/Project Description as part of the Development Application Review Team (DART) submittal material for your review.

1. Background

Antioch University, originally a single campus college was founded in 1852 in Yellow Springs, Ohio inspired by Horace Mann, a vocal advocate for higher education that promotes the common good. Antioch was one of the first coeducational colleges to offer the same curriculum to male and female students and the first to grant a tenured professorship to a woman. Antioch was also one of the first historically all-white colleges and universities to eliminate race as an admission requirement and to actively recruit African American students.

For more than 30 years, Antioch University's Santa Barbara (AUSB) campus has been part of the higher education community on the central coast in an opportune downtown location. AUSB is distinguished for its unique undergraduate degree completion program in liberal studies and its graduate master's and doctoral programs in clinical psychology and education that integrate students' academic experience and experiential learning. Today students' busy lives and diverse demands and responsibilities require educational institutions to provide a higher level of accessibility and flexibility. The community will benefit from the unique collaboration between Antioch University and the Hutton Parker Foundation who have purchased the property at 602 Anacapa Street and provided a long term lease.

Applicant Letter/Project Description Antioch University MST2011-00145 1 July 2011 Page 2 of 5

The subject property is located on the corner of Anacapa and Cota Streets and is developed with a three-story mixed use building that was approved by the Planning Commission in 1986. The property, identified by APN 031-151-017, is a .76 acre (33,106 square feet) site zoned C-M (Commercial Manufacturing) and has a General Plan land use designation of Offices/Major Public Institutional. Additionally, the property is located in the Central Business District (CBD) and has an 80% designated parking zone of benefit.

Adjacent surrounding land use designations and zone districts are as follows:

North:

General Plan – Offices/General Commerce/Major Public Institutional Zoning – C-M – Commercial/Manufacturing

East:

General Plan – Offices/Major Public Institutional Zoning – Commercial/Manufacturing

South:

General Plan – General Commerce/Major Public Institutional Zoning – Commercial/Manufacturing

West:

General Plan – Offices/Major Public Institutional Zoning - Commercial/Manufacturing

II. Project Description

The first floor of the subject structure, approximately 14,088 square feet, is currently occupied by a restaurant and the remaining space, approximately 9,454 net square feet, is vacant. The project involves a tenant improvement and creation of a new second story within the structure. The new second floor consists 3,626 net square feet. No changes are proposed to six residential units located on the third story.

There is an existing parking garage that serves the property containing 31 spaces accessed off of Cota Street. No changes are proposed to the parking.

The proposed project will create classrooms and offices in phases as follows:

<u>Phase I</u> – This phase is being processed under BLD2011-00501 as an interior tenant improvement and does not require discretionary review.

Applicant Letter/Project Description Antioch University MST2011-00145 1 July 2011 Page 3 of 5

<u>Phase II</u> – Phase II is being processed under MST2011-00105 and includes demolition of a 1,691 square foot mezzanine and construction of a 2,646 new second floor within the existing ground floor volume. The new second floor will also incorporate the property's remaining 955 square feet of Measure E square footage to be allocated from the Small Addition category. Phase II requires Development Plan approval by the Architectural Board of Review.

Since Antioch is on constrained schedule to complete renovations, Phase II is contingent upon how quickly Phase III can be processed. Please note that if Phase III can be processed within Antioch's time constraints, Phase II becomes unnecessary.

<u>Phase III</u> – This phase requires additional Development Plan square footage to be allocated by the Planning Commission and City Council, previously allocated 2,671 square feet and use of the additional 955 square feet of remaining Small Addition square footage to complete the second floor. The mezzanine proposed for demolition in Phase II would remain. On May 17, 2011, the project received a preliminary Community Priority designation and allocation by the City Council.

III. Discretionary Approvals for Consideration

The CMSB project requires City approval of three modifications, a Development Plan Approval, a Coastal Development Permit Approval, and Final Designation of a Community Priority project. Further description is provided below:

- 1. <u>Preliminary Designation of Community Priority</u> project development status per SBMC §28.87.300.
- 2. <u>Development Plan Approval</u> to allocate non-residential square footage from the Minor Addition and Community Priority categories per SBMC §28.87.300.
- 3. <u>Final Designation of Community Priority project development status per SBMC §28.87.300.</u>

The project requires a Development Plan approval to increase the internal non-residential floor area of the existing building. In 1992, Development Plan Approval findings were made for an addition of 1,691 square feet located in a mezzanine structure within the garage and an addition of 354 square feet of office space on the second floor. As a result, there are 955 square feet of non-residential floor area remaining in the minor additions category.

In order for the University to function and provide adequate classroom space, staff and faculty offices, and necessary student support space (such as the library and Applicant Letter/Project Description Antioch University MST2011-00145 1 July 2011 Page 4 of 5

writing center) we are requesting a Community Priority designation for additional floor area of 2,671 square feet beyond the allowed allocations from the minor and small additions categories. The mission statement of Antioch University is to nurture in their students the knowledge, skills and habits of reflection to excel as lifelong learners, democratic leaders and global citizens who live lives of meaning and purpose. As such AUSB contributes significantly to the general welfare of our community.

IV. Environmental Considerations

The proposed project will not create smoke, odors, or new noise sources.

The following section provides a summary of the traffic analysis included in the DART submittal package for evaluation of the proposed site conditions relative to potential impacts as a result of the proposed project.

Traffic and Circulation

A Traffic Analysis for the Antioch University Project, dated April 29, 2011, has been prepared by Associated Transportation Engineers (ATE). Potential traffic and parking impacts associated with the project were assessed based on operational data provided by Antioch University staff. As requested by City staff, the analysis addresses only the new 3,626 square feet second floor addition based on two land use scenarios: 1) the new building area occupied by Antioch University, and; 2) the new building area occupied as office space.

The analysis indicates that the Antioch University scenario will likely add 5 or more peak hour trips to the Anacapa/Ortega Street and Anacapa/Cota Street intersections. Once distributed beyond these intersections, the project would add less than 5 peak hour trips to any intersection in the downtown area.

The office use scenario would add less than 5 peak hour trips to the intersections in the study area.

Please see ATE's traffic analysis for more detailed information.

Operational Parameters

Antioch currently offers classes in 5 sessions, 9 am, 1 pm, 4:30 pm, 5:30 pm and 6:00 pm, each class running for 3 hours. The applicant is proposing to change the start time of these classes by adjusting them by 15 minutes to reduce peak hour trips. Classes are proposed to start a 9:15 am, 1:15 pm, 4:45 pm, 5:45 pm and 6:15 pm.

Applicant Letter/Project Description Antioch University MST2011-00145 1 July 2011 Page 5 of 5

V. General Plan and Zoning Consistency

The proposed project is compatible with the C-M zoning and Offices/Major Public Institutional General Plan designations. As well, being located in the Central Business District (CBD), Antioch will be a welcome addition and add to the vibrancy of the CBD and the Anacapa corridor.

Vil. Project Justification and Findings

The project is consistent with the zoning ordinance and an example of sound community planning. It meets the intent and purpose of the Development Plan and Community Priority designation. Additionally, the project is subject to review and approval by the Architectural Board of review and must meet the Board's mass, bulk and scale and neighborhood compatibility standards.

On behalf of the applicant and project team, we thank you for your review and comments regarding this PRT application.

This concludes our Applicant Letter/Project Description as part of the Antioch University DART submittal to the Land Development Team. Please do not hesitate to call me or any of the project team if you have any questions or require additional information related to our submittal. You may reach me at (805) 966-2758.

On behalf of the applicant and project team, we thank you for your consideration of this project.

Sincerely,

SUZANNE ELLEDGE

PLANNING & PERMITTING SERVICES

Trish Allen, AICP Senior Planner

PROJECTS WITH PRELIMINARY OR FINAL COMMUNITY PRIORITY DESIGNATIONS

Project/Address	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Boys & Girls Club Addition 602 W Anapamu Street MST2002-00786	4,800		Initial application 1990; potential - working on revised
Housing Authority 702 Laguna Street MST92-00043		4,550	Completed
Natural History Museum 2559 Puesta Del Sol MST92-00608		2,165	Completed
Airport Fire Station 40 Hartley Place MST92-00746		5,300	Completed
Santa Barbara Zoo 500 Niños Drive MST95-00330		210	Completed
Desalination Plant 525 E. Yanonali Street MST95-00425 (MST90-00360)		528	Completed
Santa Barbara Rescue Mission 535 E. Yanonali Street MST96-00228		7,213	Completed
Airport Master Plan 601 Firestone Road MST96-00355		12,557*	Airline Terminal expansion; portion or all may be considered for
Airport Master Plan 601 Firestone Road MST96-00355		50,000*	Economic Development category at later date
Rehabilitation Institute 2405 and 2415 De la Vina Street MST97-00196		9,110	Completed
Visitor Information Center - Entrada de Santa Barbara 35 State Street MST97-00357		2,500	Approved 8/21/01
Santa Barbara Harbor Restrooms 134 Harbor Way MST97-00387		1,200	Completed
Airport Terminal Expansion (trailers) 500 Fowler Rd. MST97-00392		2,300	Completed

Project/Address	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Waterfront Department Offices 132 Harbor Way MST97-00503		3,240	Completed
Transitions Preschool 2121 De la Vina Street MST97-00696		723	Completed
S.B. Maritime Museum 113 Harbor Way MST97-00832		2,805	Completed
Santa Barbara Cottage Hospital (Hospitality House) 2407-2409 Bath Street MST98-00042		4,158	Completed
MacKenzie Park Lawn Bowls Clubhouse 3111 State Street MST98-00076		763	Completed
Cottage Hospital 320 West Pueblo Street MST98-00287		980	Completed
The Full Circle Preschool 509 West Los Olivos Street MST98-00231		832	Completed
Storyteller Children's Center 2115 State Street MST98-00364	,	2,356	Completed
Free Methodist Church 1435 Cliff Drive MST98-00877		2,544	Completed
Salvation Army 423 Chapala Street MST99-00014		2,968	Completed
Homeless Day Center and Shelter 816 Cacique Street MST99-00432		10,856	Completed
Emmanuel Lutheran Church 3721 Modoc Road MST99-00510		8,120	Completed
Marymount School 2130 Mission Ridge Road MST99-00542		4,000	Completed
Parking Lot 6 – Granada Theater 1221 Anacapa MST1999-00909/MST2003-00908		7,810	Completed

Project/Address	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Planned Parenthood 518 Garden Street MST1999-00916		3,565	Completed
Sea Center 211 & 213 Stearns Wharf MST2000-00324		3,212	Completed
Santa Barbara Zoo 500 Ninos Drive MST2000-00707 (& MST2002-00676)		10,000	Final Designation 4/10/2007
Clean Water and Creeks Restoration Office 620 Laguna Street MST2000-00828		480	Completed
Elings Park 1298 Las Positas Road MST2001-00007/MST2006-00509	12,190		Draft EIR stage
Braille Institute 2031 De la Vina Street MST2001-00048		4,000	Completed
Modular Classrooms at Boys & Girls Club 632 E. Canon Perdido Street MST2001-00150	*	6,502	Completed
Cater Water Treatment Plant 1150 San Roque Road MST2001-00732		6,750	Completed
Santa Barbara Neighborhood Medical Clinics 915 North Milpas Street MST2001-00774		2,518	Completed
632 E. Canon Perdido St. Boys and Girls Club MST2002-00786 MST2008-00563	7,600		Preliminary Designation 7/15/03
617 Garden St. Mental Health Assoc. MST2002-00257		2,703	BP Issued 11/17/06
4000 La Colina Rd Bishop Diego High School MST 2004-00673		9,512	Final Designation 12/20/2005
540 W Pueblo St Cancer Center MST2007-00092		5,845	Final Designation 7/13/2010
125 State St Children's Museum MST2009-00119	2,500		Preliminary Designation 4/7/2009

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
602 Anacapa St Antioch University MST2011-00145	2,671		Preliminary Designation 5/17/2011
SUBTOTALS:	29,761	199,030	
ALLOCATED TO DATE: 234,636 SQ. FT. REMAINING UNALLOCATED: 65,364 SQ. FT.			

CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY MINUTES

Regular Meeting June 7, 2011 Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Chair Schneider.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 and 2)

Motion:

Agency members House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes (15)

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of March 15, 2011, and the special meeting of March 29, 2011.

Action: Approved the recommendation.

2. Subject: Redevelopment Agency Fiscal Year 2011 Interim Financial Statements For The Ten Months Ended April 30, 2011 (16)

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2011 Interim Financial Statements for the Ten Months Ended April 30, 2011.

Action: Approved the recommendation (June 7, 2011, report from the Fiscal Officer).

RECESS

5:24 p.m. - 5:36 p.m. Agency/Council member House was absent when the Agency/Council reconvened.

REDEVELOPMENT AGENCY REPORTS

3. Subject: Resolutions Approving The Transfer Of All Real Property Of The Redevelopment Agency Of The City Of Santa Barbara To The City Of Santa Barbara (620.03/22)

Recommendation:

- A. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving the Transfer of All Interests in Real Property, Including All Leaseholds and Easements, Owned by the Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara to Implement the Provisions Set Forth in the Multi-Year Cooperation Agreement and the Redevelopment Plan for the Central City Redevelopment Project Area; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Title to All Interests in Real Property, Including Leaseholds and Easements, Owned by the Redevelopment Agency of the City of Santa Barbara, as Legally Described in Exhibit A Attached Hereto, and Authorizing the Recordation of the Grant Deed in the Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California, to Implement the Provisions Set Forth in the Multi-Year Cooperation Agreement and the Redevelopment Plan for the Central City Redevelopment Project Area.

Documents:

- June 7, 2011, report from the Deputy Director/Assistant City Administrator/Community Development Director.
- Proposed Resolutions.
- PowerPoint presentation prepared and made by Staff.

3. ((Cont'd)
J. (Conta

The titles of the resolutions were read.

Speakers:

Staff: Housing and Redevelopment Manager Brian Bosse, Executive Director/City Administrator James Armstrong.

Motion:

Agency/Council members Hotchkiss/Rowse to approve the recommendations; Redevelopment Agency Resolution No. 1026; City Council Resolution No. 11-036; Deed No. 61-363.

Vote:

Unanimous roll call vote (Absent: Agency/Council member House).

ADJOURNMENT

Chair Schneider adjourned the meeting at 8:00 p.m.

SANTA BARBARA	SANTA BARBARA		
REDEVELOPMENT AGENCY	CITY CLERK'S OFFICE		
HELENE SCHNEIDER	SUSAN TSCHECH, CMC		
CHAIR	DEPUTY CITY CLERK		

CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY MINUTES

Special Meeting June 9, 2011 Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 9:00 a.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House (9:29 a.m.), Randy Rowse, Michael Self, Bendy White, Chair Schneider.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

REDEVELOPMENT AGENCY REPORTS

1. Subject: Redevelopment Agency Capital Program Review And Development

Recommendation: That the Agency Board review, consider, and give direction to staff to implement any proposed changes to the Agency's Capital Program.

Documents:

- June 9, 2011, report from the Deputy Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Assistant Public Works Director/City Engineer Pat Kelly, Executive Director James Armstrong, Deputy Director Paul Casey, Assistant Parks and Recreation Director Jill Zachary, Agency Counsel Stephen Wiley.

Speakers (Cont'd):

- Members of the Public: Linda Love; Leon Olson; Steve Cushman; Frank Goss; Bill Collyer, Downtown Organization; Claudia Bratton, Summer Solstice; Derek Westen, Jonathan Fox, Dwight Coffin, and Elinor Langer, Ensemble Theatre Co.; Cecilia Rodriguez, Child Abuse Listening Mediation; Steve Metsch, Ensemble Theatre Co.; Laura Inks, Santa Barbara Center for the Performing Arts; Alan Macy; Lesley Wiscomb, Parks and Recreation Commission; Eric Lassen, Summer Solstice; Rod Hare, Santa Barbara Arts Collaborative; Jill Cloutier, Art From Scrap; Ginny Brush; Clay Bodine; Jarrell Jackman, Santa Barbara Trust for Historic Preservation; Beebe Longstreet, Parks and Recreation Commission.

Discussion:

Staff's presentation included an outline of the Agency's current Capital Program, a list of projects previously submitted to Staff for consideration of future funding, and available funding sources.

Motion:

Councilmembers House/Francisco to allocate \$1,622,806 (highlighted areas shown on Attachment 1 to the Council Agenda Report) to the future project to reconstruct the Police Department building and confirm the remainder of the Current Capital Program as detailed on Attachment 1.

Vote:

Unanimous voice vote.

Motion:

Councilmembers White/Francisco to make changes to the list of Possible Future RDA Projects (Attachment 2 to the Council Agenda Report) to 1) move the Laguna Pump Station/Channel Facilities Upgrades project and the Parking Structure No. 10 Public Restroom project from the list of Remaining Unfunded Projects to the list of Projects Recommended for Future Funding, and 2) move the RDA Parking Lot Upgrade at 235 State Street project from the list of Projects Recommended for Future Funding to the list of Remaining Unfunded Projects; and direct Staff to adjust the allocation of funding to the Projects Recommended for Future Funding according to the Agency's discussion today, for the Agency's approval at a later date.

Vote:

Unanimous voice vote.

ADJOURNMENT

Chair Schneider adjourned the meeting at 11:53 a.m.

SANTA BARBARA
REDEVELOPMENT AGENCY
CITY CLERK'S OFFICE

HELENE SCHNEIDER CHAIR SUSAN TSCHECH, CMC DEPUTY CITY CLERK

CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY MINUTES

Regular Meeting June 21, 2011 Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Chair Schneider.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 – 3)

The title of the resolution related to Item No. 1 was read.

Motion:

Agency/Council members House/White to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Sole Source Purchase Orders For The Lower West Downtown Lighting Project, Phase 1 (530.04/11)

Recommendation:

A. That Council and the Redevelopment Agency (Agency) Board approve and authorize the General Services Manager to issue a Sole Source Purchase Order to Ameron Pole Products for \$160,802.60 for the purchase of City-standard streetlight poles, and a Sole Source Purchase Order to Prudential Lighting Products for \$127,569 for fixtures, each for the Lower West Downtown Lighting Project, Phase 1; and

B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Funding of Capital Improvements for the Lower West Downtown Lighting Project, Phase 1.

Action: Approved the recommendations; City Council Resolution No. 11-044 (June 21, 2011, report from the Public Works Director and the Deputy Director/ Assistant City Administrator/Community Development Director; proposed resolution).

2. Subject: Contract For Construction Of A New Parking Lot On Helena Avenue (550.01/12)

Recommendation:

- A. That the Redevelopment Agency Board authorize the expenditure of \$320,738 for the Helena Avenue Parking Lot Project (Project);
- B. That Council award and authorize the Public Works Director and the Redevelopment Agency Deputy Director to execute a contract with Lash Construction in the low bid amount of \$236,557 for construction of the Project, Bid No. 3584; and
- C. That Council authorize the Public Works Director and the Redevelopment Agency Deputy Director to execute a contract with Lash Construction and approve expenditures up to \$35,484 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendations; City Council Contract No. 23,801 (June 21, 2011, report from the Public Works Director and the Deputy Director/ Assistant City Administrator/Community Development Director).

3. Subject: Proposed Loan Increase For The Housing Authority's Bradley Studios Project (13)

Recommendation: That the Redevelopment Agency Board:

- A. Approve a \$2,000,000 loan increase in Redevelopment Agency Housing Setaside funds to the Housing Authority of the City of Santa Barbara for the development of the Bradley Studios affordable housing project located at 512-518 Bath Street, and authorize the Agency's Deputy Director to execute an amendment to the loan agreement and related documents in a form approved by Agency Counsel, and to make non-substantive changes; and
- B. Appropriate \$2,000,000 in Redevelopment Agency Housing Setaside funds from unappropriated reserves for the loan increase.

Action: Approved the recommendations (June 21, 2011, report from the Deputy Director).

ITEM REMOVED FROM CONSENT CALENDAR

4. Subject: Ensemble Theatre Grant Request For Redevelopment Agency Funds (14)

Recommendation: That the Agency Board approve the Ensemble Theatre's grant request for \$1,000,000 in Redevelopment Agency capital funds for the purchase and installation of equipment at the Victoria Theatre.

Documents:

June 21, 2011, report from the Deputy Director.

Speakers:

Staff: Deputy Director Paul Casey.

Motion:

Agency members House/White to approve the recommendation.

Vote:

Majority voice vote (Noes: Agency member Self).

REDEVELOPMENT AGENCY REPORTS

5. Subject: Redevelopment Agency Operating Budget For Fiscal Year 2012 And Associated Documents (230.05/18)

Recommendation:

- A. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Budget of the Redevelopment Agency of the City of Santa Barbara for Fiscal Year 2012; and
- B. That the Redevelopment Agency Board authorize the Executive Director and that the Council authorize the City Administrator to enter into a Cooperation Agreement and Promissory Note regarding the Police Department's Restorative Policing Pilot Program in a form acceptable to the Agency Counsel and the City Attorney.

Documents:

- June 21, 2011, report from the Deputy Director/Assistant City Administrator/Community Development Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Speakers:

Staff: Fiscal Officer/Finance Director Robert Samario, Executive Director/City Administrator James Armstrong.

Motion:

Agency/Council members House/Rowse to approve the recommendations; City Council Resolution No. 11-054; City Council Agreement No. 23,802.

Vote:

Unanimous roll call vote.

6. Subject: Adoption Of Resolutions To Approve The Project Cooperation Agreements And Promissory Notes Between The Redevelopment Agency And The City For The Completion Of All Redevelopment Agency Projects And Amending The Redevelopment Agency's Capital Program (620.03/19)

Recommendation:

- A. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving the Project Cooperation Agreements and Promissory Notes as Listed in Attachment A Hereto and Authorizing the Executive Director to Execute Said Agreements on Behalf of the Redevelopment Agency;
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Project Cooperation Agreements and Promissory Notes as Listed in Attachment A Hereto and Authorizing the City Administrator to Execute Said Agreements on Behalf of the City Council; and
- C. That the Agency Board approve the Capital Program for Fiscal Years 2012 2015.

Documents:

- June 21, 2011, report from the Deputy Director/Assistant City Administrator/Community Development Director.
- Amended Attachment 4 to the Redevelopment Agency/Council agenda report.
- Proposed Resolutions.

The titles of the resolutions were read.

Speakers:

Staff: Deputy Director/Assistant City Administrator/Community Development Director/Paul Casey.

Motion:

Agency/Council members Francisco/House to approve funding in the amount of \$2,000,000 for the Library Plaza project.

Vote:

Majority voice vote (Noes: Agency/Council member Self).

Motion:

Agency/Council members Francisco/Self to approve recommendation A, adopting Redevelopment Agency Resolution No. 1027; approve recommendation B, adopting City Council Resolution No. 11-055; and approve the remainder of the Agency's Capital Program for Fiscal Years 2012-2015 (recommendation C), excluding the Library Plaza project funding, which was voted on previously.

Vote:

Unanimous roll call vote.

ADJOURNMENT

Chair Schneider adjourned the meeting at 5:05 p.m.

SANTA BARBARA REDEVELOPMENT AGENCY	SANTA BARBARA CITY CLERK'S OFFICE
HELENE SCHNEIDER CHAIR	SUSAN TSCHECH, CMC DEPUTY CITY CLERK

Agenda Item No



CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Chair and Board Members

FROM: Community Development Department

SUBJECT: Redevelopment Agency's Enforceable Obligation Payment Schedule

RECOMMENDATION: That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Adopting an Enforceable Obligation Payment Schedule and Authorizing the Filing of the Schedule, Subject to the Restrictions Provided Herein, with the State Department of Finance, the State Controller's Office and the Auditor-Controller of the County of Santa Barbara.

DISCUSSION:

State Legislation Impacts to Redevelopment Agency

On June 29, 2011, the Governor signed the 2012 budget bill (SB 87) and bills AB X1 26 (RDA Dissolution Bill) and AB X1 27 (RDA Continuation Bill) which, in their simplest form, result in the dissolution of all redevelopment agencies in the State on October 1, 2011 (AB X1 26) unless the city that created the redevelopment agency enacts a "Continuation Ordinance" (AB X1 27) which commits the RDA to make certain payments for Fiscal Year 2012 and additional payments each year thereafter until, presumably, the Project Area expires and the RDA no longer receives tax increment payments.

AB X1 26 requires each redevelopment agency to undertake certain actions in anticipation of the agency's dissolution. One such action is the adoption of an enforceable obligation payment schedule ("EOPS") no later than 60 days after the effective date of AB X1 26 (June 29, 2011). The EOPS must list and provide specific information as to each obligation that an agency is obligated to pay. The EOPS is then to be transmitted to the State Department of Finance and ultimately to the agency's "successor agency" which is obligated to make the payments according to the EOPS. The EOPS must include the following elements about each obligation:

- The project name associated with the obligation;
- The payee;
- A short description of the nature of the work, product, service, facility, or other thing of value for which payment is to be made;
- The amount of payments obligated to be made, monthly from July 2011 through December 2011. (*Health & Safety Code Sec.* 34169(g)(1)); and

Redevelopment Agency Agenda Report Redevelopment Agency's Enforceable Obligation Payment Schedule August 23, 2011 Page 2

• The Enforceable Obligation Payment Schedule must be posted on the Agency's website and submitted to the County-Auditor Controller, the State Controller's Office and the State Department of Finance.

Legal Challenge

In response to the State's budget action, on July 18, 2011 the California Redevelopment Association (CRA), League of California Cities, and two cities, including a charter city and a general law city, filed a legal challenge with the California Supreme Court seeking an immediate stay of the Dissolution and Continuation Bills in order to preserve local redevelopment funds pending a decision on the constitutionality of the Bills. The legal challenge asserts, among other things, that the Bills, taken together, violate Proposition 22 approved by voters in the November 2010 election which prohibits further State raids on local funds.

On August 11, 2011, the California Supreme Court granted the request to stay AB X1 26 (in part) and all of AB X1 27. The requirement to adopt the EOPS within 60 days of the effective date of AB X1 26 is included within the stay. Several other provisions of the Bill, however, that also pertain to the EOPS are not included in the stay. While it is anticipated that further clarification on this ambiguity will be provided, at this time, and in an abundance of caution, staff recommends that the Agency Board adopt a resolution approving the EOPS attached as Exhibit A thereto. Staff further recommend that the EOPS not be filed with the State or County until there is clarity as to whether it is required or not and as to whether AB X1 26 and AB X1 27 pass constitutional scrutiny and are otherwise legal.

The Court also ordered the State to file briefs opposing the CRA's petition, and for the CRA to file briefs responding to the State's opposition, by the end of September 2011. The Court indicated its intent to decide the case on its merits before January 15, 2012.

BUDGET/FINANCIAL INFORMATION:

There are no direct financial impacts to approving the EOPS as these are already current obligations of the Redevelopment Agency.

PREPARED BY: Brian J. Bosse, Housing and Redevelopment Manager/MEA

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

RESOLUTION NO.	
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A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE AND AUTHORIZING THE FILING OF THE SCHEDULE, SUBJECT TO THE RESTRICTIONS PROVIDED HEREIN, WITH THE STATE DEPARTMENT OF FINANCE. THE STATE CONTROLLER'S OFFICE. AND THE **AUDITOR-**CONTROLLER OF THE COUNTY OF SANTA BARBARA

WHEREAS, on November 14, 1972, the Redevelopment Plan for the Central City Redevelopment Project ("CCRP") was adopted by the City Council by Ordinance No. 3566 and will expire by its own terms in August 2015;

WHEREAS, the Redevelopment Agency of the City of Santa Barbara, through the exercise of its powers under the California Community Redevelopment Law (Health & Safety Code Section 33000 *et seq.*) ("CRL") has made major contributions to the physical and economic development of the CCRP and the City and has strengthened the City's ability to meet the needs of its citizens and contributed to the quality of life throughout the City;

WHEREAS, the California Legislature has adopted, and the Governor has signed AB1X 26 and AB1X 27, legislation which, taken together, would dissolve the Agency unless the City agrees to make certain payments to the State Department of Finance and the County Auditor-Controller;

WHEREAS, AB1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011, and once a redevelopment agency is dissolved, AB 1X 26 makes its existing assets and future property tax revenue available for use by third parties for their own benefit;

WHEREAS, in furtherance of its objectives, AB1X 26 purports to require that agencies adopt an Enforceable Obligation Payment Schedule ("EOPS") that sets forth all of an agency's enforceable obligations which will be paid by a successor agency to the redevelopment agency and for the filing of the EOPS with the State Department of Finance, the State Controller's Office, and the County Auditor-Controller;WHEREAS, On July 18, 2011, the California Redevelopment Association and the League of California Cities, among others, filed a petition on behalf of cities, counties and redevelopment agencies asking the California Supreme Court to overturn AB 1X 26 and AB 1X 27 and to stay their effectiveness until a ruling on the petition is rendered;

WHEREAS, on August 11, 2011, the California Supreme Court ordered a stay to the effectiveness of a part of AB 1X 26 and of all of AB 1X 27 which order has resulted in uncertainly regarding the effectiveness of AB 1X 26; and

WHEREAS, under the threat of dissolution pursuant to AB 1x 26, and based upon the contingencies and reservations set forth herein, the City of Santa Barbara Redevelopment Agency Board adopts the EOPS, attached hereto as Exhibit A and incorporated herein by this reference, in order to provide for the continued payment of Agency obligations in the event that AB 1X 26 is found by a court of competent jurisdiction to be constitutional or otherwise enforceable.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE CITY OF SANTA BARBARA REDEVELOPMENT AGENCY AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. Based on the foregoing recitations and all evidence presented to and considered by the Agency Board, and in accordance with Health and Safety Code Section 34169, subdivision (g), the Agency Board hereby adopts, subject to the limitations set forth herein, the EOPS attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 3. The EOPS is adopted by the Agency Board because of the uncertainty resulting from AB 1X 26 and AB 1X 27 and the pending litigation challenging the constitutionality of those bills currently pending in the California Supreme Court.

SECTION 4. Effect of Determination of Invalidity or Stay.

- (a) The EOPS adopted herein shall not be filed with or submitted to any local or state agency if there is a final determination that either AB 1X 26 and AB 1X 27 are unconstitutional or otherwise invalid or that AB 1X 26 is unconstitutional or otherwise invalid.
- (b) The EOPS adopted herein shall not be filed with or submitted to any local or state agency if there is a final determination that AB 1X 26 and AB 1X 27 are constitutional and otherwise valid and the City Council determines by ordinance to enter into the Alternate Voluntary Redevelopment Program as authorized by AB 1X 27.

SECTION 5. If there is a final determination that AB 1X 26 and AB 1X 27 are invalid, that AB 1X 26 is invalid or that AB 1X 26 and AB 1X 27 are valid and the City Council determine to enter the Alternate Voluntary Redevelopment Program, the EOPS shall be deemed automatically null and void and of no further force or effect, without any further action by the Redevelopment Agency.

SECTION 6. The EOPS lists legally binding obligations of the Agency and includes a list of payments to be made by the Agency on those obligations prior to January 1, 2012.

SECTION 7. Subject to the reservations provided herein, the Redevelopment Agency Board hereby authorizes and directs the Executive Director, or designee, the Agency Finance Director and Agency Counsel to take any action and execute any documents necessary to notify and file the EOPS with the State Department of Finance and the County Auditor-Controller Santa Barbara .

SECTION 8. <u>Effective Date.</u> This Resolution is effective on the day of its adoption.

Name of Redevelopment Agency:	City of Santa Barbara Redevelopment Agency				
Project Area:	Central City Redevelopment Project Area				

Page 1 of 2 Pages

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	T	I	T	I								
				Total Outstanding				· · ·	s by Month			
	Project Name / Debt Obligation	Payee	Description	Debt or Obligation	Fiscal Year	Aug**	Sept	Oct	Nov	Dec	T	Total
1)	CHASE PALM PARK LIGHT/ELECT. UPGRADE	City of Santa Barbara	Electrical & lighting upgrades	538,776.97	538,776.97	0.00	0.00	0.00	0.00	538,776.97	\$ 5	538,776.97
2)	PLAZA DEL MAR RESTROOM RENOVATION	City of Santa Barbara	Restroom renovation	204,102.02	204,102.02	0.00	0.00	0.00	0.00	204,102.02	•	204,102.02
3)	PERSHING PARK RESTROOM RENOVATION	City of Santa Barbara	Restroom renovation	\$115,069.38	\$115,069.38	0.00	0.00	0.00	0.00	\$115,069.38		115,069.38
4)	PANHANDLING EDU. & ALT. GIVING CPGN.	SB Downtown Organization	Grant: "Real Change Not Spare Change" Campaign	\$28,940.44	\$28,940.44	0.00	0.00	0.00	0.00	\$28,940.44	\$	28,940.44
5)	POLICE STATION PROJECT	City of Santa Barbara (Coffman Engineers)	Police Headquarters Renovation/Rebuild	\$20,000,539.06	27,001.42	0.00	0.00	0.00	0.00	27,001.42	\$	27,001.42
6)	POLICE DEPT. ANNEX LEASE	LL&A-2	Temporary office lease during renovation	\$164,076.21	\$164,076.21	14,909.00	14,909.00	14,909.00	14,909.00	14,909.00	\$	74,545.00
7)	FIRE STATION -925 De la Vina Lease	Amita Limited, LLC	Temporary office lease during construction	\$81,432.09	101,500.00	20,300.00	20,300.00	20,300.00	20,300.00	20,300.00	\$ 1	101,500.00
8)	FIRE STATION REMODEL	City of Santa Barbara	Fire Station No. 1 renovation	\$7,179.01	0.00	0.00	0.00	0.00	0.00	0.00	\$	-
9)	PARKING LOT MAINT (PARKING FUND)	City of Santa Barbara	Capital improvements -Proj. Area parking lots	\$67,268.87	\$67,268.87	0.00	0.00	0.00	0.00	\$67,268.87	\$	67,268.87
10)		City of Santa Barbara	Renovation of main branch library grounds	\$2,068,478.00	68,478.00	0.00	0.00	0.00	0.00	68,478.00	\$	68,478.00
11)	PARKING STRUCTS 2,9,10 CONST	City of Santa Barbara	Structural improvements & concrete repair	\$1,450,691.87	\$1,450,691.87	0.00	0.00	0.00	0.00	0.00	\$	-
12)	LIGHTING PHASE I	City of Santa Barbara	Street & sidewalk lighting improvements	\$732,925.98	\$732,925.98	0.00	0.00	0.00	0.00	\$732,925.98	\$ 7	732,925.98
13)	STUDY	City of Santa Barbara City of Santa Barbara	Facility physical assessment & business plan Pedestrian amenities on State Street	\$6,548,898.01	248,898.01	0.00	0.00	0.00	0.00	248,898.01	\$ 2	248,898.01
14)	PILOT	City of Santa Barbara	redestrian amenities on State Street	\$45,570.29	0.00	0.00	0.00	0.00	0.00	0.00	\$	-
15)	ARBITRAGE REBATE	US Govt	Arbitrage rebate (federal)	\$440,000.00	\$440,000.00	0.00	0.00	0.00	0.00	440,000.00	\$ 4	440,000.00
16)		Bank of New York Mellon Trust Co, N.A.	Series 2001A and 2003A Bonds	60,107,165.00	7,515,235.50	0.00	1,150,132.50	0.00	0.00	0.00	\$ 1,1	150,132.50
17)	ADMINISTRATION & PROJ MANAGEMENT (Operating Fund)	City of Santa Barbara	RDA Operating expense, special expense and reserve	20,160,000.00	2,520,000.00	210,000.00	210,000.00	210,000.00	210,000.00	210,000.00	\$ 1,0	050,000.00
18)	(Housing Fund)	City of Santa Barbara	Housing Fund Operating expense, special expense and reserve	7,200,000.00	900,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	\$ 3	375,000.00
19) 20)	OVERNIGHT ACCOMMODATION MITIGATION PROJECT FUNDS AFFORDABLE HOUSING	City of Santa Barbara City of Santa Barbara	Overnight accommodation mitigation project funds Tax Increment set aside funds for Affordable	\$1,221,428.18	0.00	0.00	0.00	0.00	0.00	0.00	\$	_
20)		,	Housing	\$31,526,810.00	0.00	0.00	0.00	0.00	0.00	0.00	\$	-
21)	DOWNTOWN SIDEWALK IMPROVEMENTS (ORTEGA, COTA, HALEY)	City of Santa Barbara	Construction of sidewalk infrastructure improvements between Chapala St. and Santa Barbara St.	\$2,000,000,00	0.00	0.00	0.00	0.00	0.00	0.00	\$	-
22)	LAGUNA PUMP STATION/CHANNEL FACILITIES UPGRADES	City of Santa Barbara	Repairs to the pump station and operation upgrades	\$1,300,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$	
23)	LOWER MILPAS PEDESTRIAN IMPROVEMENTS	City of Santa Barbara	Sidewalk infill and pedestrian lighting on Milpas St. from the RR tracks to Cabrillo Blvd.	\$850,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$	-
24)		City of Santa Barbara	Restroom renovation, new lighting, drainage improvements	\$850,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$	_
25)	WEST DOWNTOWN LIGHTING PROJECT PHASE II	City of Santa Barbara	Street & sidewalk lighting improvements	\$750,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$	
	Totals - This Page		1	\$ 158,459,351.38	\$ 15,122,964.67	\$ 320,209.00	\$ 1,470,341.50	\$ 320,209.00	\$ 320,209.00	\$ 2,791,670.09	\$ 5.2	222,638.59
	Totals - This Page Totals - Page 2			\$ 158,459,351.38 \$ 8,725,000.00	φ 13,122,904.67	φ 320,203.00	φ 1,470,341.50	φ 320,209.00	φ 320,209.00	φ 2,791,670.09	,	725,000.00
	Totals - All Pages			\$ 167,184,351.38	\$ 15,122,964.67	\$ 320,209.00	\$ 1,470,341.50	\$ 320,209.00	\$ 320,209.00	\$ 2,791,670.09		947,638.59
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^{*} This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

^{**} Include only payments to be made after the adoption of the EOPS.

Project Area:

Central City Redevelopment Project Area

Page 2 of 2 Pages

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

				Total Outstanding	Total Due During	Payments by month					
	Project Name / Debt Obligation	Payee	Description	Debt or Obligation	Fiscal Year	Aug**	Sept	Oct	Nov	Dec	Total
26)	WEST DOWNTOWN LIGHTING PROJECT PHASE III	City of Santa Barbara	Street & sidewalk lighting improvements	750.000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
27)	LIBRARY RENOVATION (CHILDREN'S SECTION AND LOWER LEVEL)	City of Santa Barbara	Children's section remodel and new ADA restrooms		0.00	0.00	0.00	0.00	0.00		\$ -
28)	COMMUNITY ARTS WORKSHOP (CAW) ADDITIONAL FUNDING	City of Santa Barbara	Facility renovation and conversion to artist workspace	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
_0,	PARKING STURCTURE NO. 10 PUBLIC RESTROOM	City of Santa Barbara	Public restroom at Parking Lot #10, (corner of Ortega and Anacapa)	450,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
00)	CHASE PALM PARK RENOVATION	City of Santa Barbara	Park infrastructure upgrades including walls, walkways, landscape, lagoon	350,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
,	EAST BEACH PLAYGROUND REPLACEMENT	City of Santa Barbara	Replace existing, damaged playground equipment Replace existing, damaged palyground	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
32)	CHASE PALM PARK PLAYGROUND REPLACEMENT RDA LOAN RECEIVABLE - 617 GARDEN	City of Santa Barbara	structure Loan receiveable from Mental Health	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
33)	MENTAL HEALTH ASSOCIATION	City of Santa Barbara	Assn. (617 Garden Street)	3,500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
0 1)	RDA UNAPPROPRIATED CAPITAL BALANCE	City of Santa Barbara	RDA Captial Project Reserves	1,200,000.00	0.00	0.00	0.00	0.00	0.00	1,200,000.00	\$ 1,200,000.00
,	WATERFRONT SIGNAGE PROGRAM	City of Santa Barbara	Wayfinding signage between wharf and harbor	25,000.00	0.00	0.00	0.00	0.00	0.00	25,000.00	\$ 25,000.00
36)	RESTORATIVE POLICING PILOT PROGRAM	City of Santa Barbara	Restorative policing and homeless outreach program.	1,000,000.00	350,000.00	0.00	0.00	0.00	0.00	350,000.00	\$ 350,000.00
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	Tatala Barra 0			Φ 0.705.000.00	Φ 050,000,00	Φ.	.	Φ.	•	A 4 575 000 00	\$ -
	Totals - Page 2			\$ 8,725,000.00	\$ 350,000.00	\$ -	\$ -	\$ -	\$ -	\$ 1,575,000.00	\$ 1,575,000.00

^{*} This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

^{**} Include only payments to be made after the adoption of the EOPS.

Agenda	Item	No

File Code No. 630.01



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Administration Division, Finance Department

SUBJECT: Recycling Revenue Sharing Agreement Between The City Of Santa

Barbara And County Of Santa Barbara

RECOMMENDATION:

That Council approve an agreement between the City and County of Santa Barbara for the processing of greenwaste and the processing and sharing of revenues and costs associated with commingled recyclables delivered to County facilities.

EXECUTIVE SUMMARY:

Staff is recommending a continuation of the current arrangement for processing commingled recyclables, which includes using the County to handle and transport the materials to Gold Coast Recycling, a private contractor, for processing. Currently, the County and the Cities of Santa Barbara and Goleta are part of this arrangement, which results in revenues from the sale of the recyclable materials that are shared by the three agencies.

The proposed agreement was presented to the Sustainability Committee on June 23rd and July 19th, who recommended Council approval by a vote of 2-1.

The Committee also considered an unsolicited proposal from Allied Waste (see attached letter proposal). The proposal was presented exclusively to the City and provides for a guaranteed payment to the City of \$60 per ton through June 30, 2012. Staff also evaluated a previous proposal from Allied Waste of \$45 per ton, which staff recommended against due to the long-term uncertainty associated with the proposal as well as the negative financial impacts to the County. The more current proposal would generate approximately \$500,000 in the current fiscal year (assuming an October 2011 start date). However, staff has the same concerns with respect to the long-term uncertainties related to the proposal.

In connection with its recommendations, the Committee directed staff to include in the report to Council (1) the financial implications of the second proposal from Allied Waste and (2) the financial impacts to the County if the City were to accept Allied Waste's proposal.

DISCUSSION:

For many years, the City has directed its comingled recyclables collected in carts and cans to the County of Santa Barbara's Recycling Center. These materials are transported by the County to Gold Coast Recycling Center in Ventura where the materials are processed through a materials recovery facility ("MRF"). After deducting the processing fees and transportation costs, the County has historically generated a fair amount of revenue from the sale of the recyclable materials.

Starting in Fiscal Year 2009, the City and County entered into an agreement whereby the portion of net revenues attributable to comingled recyclables collected within the City of Santa Barbara would be paid to the City. A similar agreement was entered into between the County and the City of Goleta.

The most recent agreement between the City of Santa Barbara and the County expired as of June 30, 2010. Although the City and County have continued to share these revenues, it is appropriate to execute an official agreement that spells out the specific terms and conditions. The agreement will be retroactively effective beginning on July 1, 2010, and will include the parties' performance under the terms of this agreement since July 1, 2010. The agreement shall be automatically renewed as of July 1 each year, unless terminated by either party as outlined in the agreement.

The key terms and conditions of the proposed agreement were presented to the Sustainability Committee over two meetings on June 23rd and July 19th. In the end, the Committee recommended approval of the agreement by a vote of 2-1.

Key terms and conditions relative to comingled recyclables include:

- Each year, by March 31, the County will calculate the net revenue (or net cost) using County financial and non-financial data from the immediately preceding fiscal year (i.e., two-year old data). For Fiscal Years 2011 through 2013, staff is recommending the use of a three-year average, as described later in the report. The net revenue (or net cost) will be allocated to the City in proportion to the total tonnage of mixed recyclables delivered to the County Recycling Center as recorded on the scales.
- The City shall reimburse the County for all costs associated with administering and operating the program including but not limited to: program coordination, handling, storage, transport, processing, and disposal of residual.
- The County will be responsible for negotiating the terms for processing, conducting bi-annual waste sorts and administering the contract with the subcontractor.

Temporary Change in Methodology (Three-Year Average)

For Fiscal Years 2011 through 2013, staff is recommending a change in the methodology used to calculate the City's share of revenues. The purpose of this temporary departure from the traditional methodology (as described in the previous section of this agenda report) is to smooth out the impacts created from the extraordinary economic circumstances affecting the value of recyclable materials during Fiscal Year 2009. The two methodologies are presented in the table below.

Fiscal Year	Using 2-Year Old Data	Using 3-Year Averaging
2011	\$ (37,619)	\$ 269,864
2012	376,040	269,864
2013	471,171	269,864
Totals	\$ 809,592	\$ 809,592

The benefit of changing to a 3-year average is to spread the impacts of the loss affecting Fiscal Year 2011 over a three-year period. This staff recommended change was supported by the Sustainability Committee.

Provisions Related to Greenwaste Processing:

The attached agreement also contains terms and conditions for greenwaste collected within the City and processed by the County.

For many years, the City has directed its contracted haulers to deliver greenwaste collected within the City to the County's Transfer Station. The greenwaste is ground up and made into mulch that is either sold or given away. The City currently pays the County \$48 per ton, which is approximately \$700,000 per year based on current tonnage data.

Over the last few years, there has been an expressed interest of expanding the City's current foodscraps collection and composting program into the residential sectors. One of the identified and perhaps most efficient ways of providing this service to residents would be to consolidate foodscraps with greenwaste into the existing greenwaste container. This approach has merit since it avoids establishing a new container or creating new collection routes. In addition, creating compost is ideal when foodscraps are mixed with greenwaste.

The downside to this approach, however, is that directing greenwaste away from the County to the City's composting contractor would result in an immediate loss of revenues to the County.

The City Council has already directed staff to hold off expanding foodscraps collection and composting into the residential sectors until the current procurement process for conversion technology (CT) is further along since the type of technology selected could have a bearing on whether and, if so, how the City moves forward with foodscraps collection in the residential sector.

In light of this uncertainty, the attached agreement contains the following provisions:

➤ The City will provide the County with a 12-month written notice prior to discontinuing its current practice of directing greenwaste that is collected within the City limits pursuant to its solid waste franchise agreement(s) to a County of Santa Barbara facility for processing at a rate set annually by the Board of Supervisors..

An exception to this is if any redirection of the City's greenwaste is part of a regional solution and decision associated with a potentially new conversion technology facility.

In recognition of the financial impacts to the County resulting from the loss of revenues currently generated from the processing of greenwaste collected by the City's refuse hauler and delivered to the County Recycling Center, the County will be entitled to suspend payment of any net revenues owed to the City from the processing of commingled recyclables.

The expectation is that some agreement for addressing the impacts to the County would be reached prior to the implementation of such a program that negatively affects County revenues.

Unsolicited Proposal from Allied Waste for Processing City Recyclables

On June 18, the City received an unsolicited proposal from Stephen MacIntosh, General Manager of Allied Waste, for processing the City's commingled recyclables. The proposal offered to pay the City \$45 per ton, which would include Allied Waste transporting and processing the materials at the Del Norte Materials Recovery facility owned by and located in the City of Oxnard, California. Allied Waste currently operates the Del Norte facility under contract with the City of Oxnard.

The proposal was considered by the Sustainability Committee on June 23rd. At that meeting, staff was directed to more thoroughly evaluate Allied Waste's proposal and to return with information regarding the financial impacts to the County if the City were to accept the Allied Waste's proposal.

At the subsequent meeting of July 19th, the Sustainability Committee heard a report from staff recommending approval of the proposed agreement between the County and City. At the meeting, Stephen MacIntosh verbally presented a second and more attractive offer to the City of \$60 per ton (see attached letter proposal received after the date of the

meeting). Based on a transition date of October 1, this latest offer would result in approximately \$500,000 in revenues to the City in Fiscal Year 2012.

Although Allied Waste's proposal of \$60 per ton is higher than the recent amounts generated through Gold Coast via the County, the current arrangement appears to be more financially viable due to some uncertainties and/or unknowns contained in Allied Waste's proposal. The key concerns are:

- Allied Waste's contract for operating the Del Norte Facility expires in February 2012. Unless they can negotiate a contract extension, Allied Waste would have to send the materials to another facility from February to June 2012. At that point, the City would need to find another means for hauling the material and potentially a new processor.
- While accepting the Allied Waste proposal would generate \$500,000 in revenues to the City in Fiscal Year 2012, the current proposed agreement with the County would generate a total of \$809,592 through June 30, 2013. The City would have to generate at least \$309,592 in Fiscal Year 2013 through an agreement with Allied Waste (or a successor) to make a change more financially beneficial to the City. However, given the uncertainty beyond the current fiscal year, the City would essentially be taking somewhat of a gamble, particularly given the volatility in the value of recyclable materials.

After lengthy deliberations, the Committee voted 2-1 to recommend approval by Council with the proposed agreement between the City and County. In addition, the Committee directed staff to include a discussion of Allied Waste's proposal and additional information regarding the financial impacts to the County if the City were to shift to the Allied Waste/Del Norte option.

Potential Financial Impacts to County

The Sustainability Committee requested information of the County regarding the financial impacts to the County if the City accepted the proposal from Allied Waste.

In general terms, the impacts would include the loss of revenues that currently cover a portion of County fixed, costs, such as equipment and staffing, used to handle the materials at the Transfer Station, transport the materials to Gold Coast and administer the Gold Coast contract. However, actual dollar impacts to the County are not available.

BUDGETARY AND FINANCIAL IMPACT:

A total of \$376,000 is currently budgeted in the Solid Waste Fund for the current fiscal year. The impact of this agreement, with the proposed change to a three-year average methodology, will be an increase in revenues of approximately \$160,000.

ATTACHMENTS:

Recycling Revenue Sharing Agreement
 Letter proposal from Allied Waste dated August 1, 2011

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

Agreement Between the City and County of Santa Barbara for the Processing of Greenwaste and the Processing and Sharing of Revenues and Costs Associated with Commingled Recyclables Delivered to County Facilities

Cit	ty Agreement No	
THIS AGREEMENT, entered into CITY OF SANTA BARBARA California, hereinafter referred to colitical subdivision of the State of	a, a municipal corporation to as "City", and COUNTY	in Santa Barbara County, OF SANTA BARBARA , a

WITNESSETH:

WHEREAS, the City and County, in order to protect and maintain the health, safety and welfare of its citizens, finds it necessary to provide an integrated solid waste management program, including source reduction and recycling activities;

WHEREAS, the City and County have found it more appropriate and effective to offer many solid waste management programs on a regional basis, including the processing of commingled recyclables and greenwaste, and the landfilling of municipal solid waste; and

WHEREAS, the County has provided these regional services to the City and the region beginning in 1967 and has developed, expanded and funded these services to benefit the community, protect the environment and comply with applicable solid waste rules and regulations; and

WHEREAS, the California Integrated Waste Management Act of 1989 (commonly referred to as AB 939), mandates that cities and counties prepare and implement plans for the diversion of solid waste from disposal; and

WHEREAS, the County owns and operates the South Coast Recycling & Transfer Station (hereinafter "County Recycling Center") where the City's franchised haulers have historically delivered commingled recyclables from the City's commercial and residential customers using carts and cans; and

WHEREAS, the County contracts with a private company (subcontractor) to process commingled recyclables generated by the Cities of Santa Barbara and Goleta, and the unincorporated area in the south county; and

WHEREAS, the County transports the commingled recyclables delivered to the County Recycling Center to the subcontractor's facility and backhauls residual waste from the sorting process for disposal at the Tajiguas Landfill; and

WHEREAS, the City and County are willing to share in both the costs incurred and revenues realized by the County associated with the handling and processing of commingled recyclables in accordance with the terms and conditions hereinafter set forth;

WHEREAS, it is the intent of the City and County to work cooperatively and within a regional framework in advancing new projects and programs and addressing the financial impacts they may create; and

WHEREAS, the City and County entered into an "Agreement for the Processing and Sharing of Revenues and Costs Associated with Commingled Recyclables Delivered to County Facilities Between the City and County of Santa Barbara" in 2008; and

WHEREAS, under this Agreement the City and County have shared in both the costs incurred and revenues realized by the County associated with the handling and processing of the City's commingled recyclables in accordance with the terms and conditions set forth therein; and

WHEREAS, this Agreement expired on June 30, 2010 and the City and the County have continued to perform under the agreement and intend to continue to perform under this agreement for an indefinite period; and

WHEREAS, the City currently utilizes the services of the County for processing green waste collected by the City's franchised haulers and the City and County wish to provide for reasonable notice to the County prior to discontinuing this arrangement.

I. CONSIDERATION

In consideration of the City's delivery through its franchised hauler of commingled recyclables to a County of Santa Barbara facility, and the City's delivery of green waste collected within the City limits by its franchise hauler to a County of Santa Barbara facility for processing at a specified rate per ton annually set by the Board of Supervisors, the County agrees to share the costs and revenues associated with the handling and marketing of the commingled recyclables with the City as set forth in this Agreement.

II. TIMING AND METHOD OF PAYMENT

Payment of net revenues (or costs) will be in two equal installments, with the first installment due on December 31 and the second installment due on June 30 each year this agreement is in effect.

Payments should be remitted to:

Finance Department City of Santa Barbara P.O. Box 1990 Santa Barbara, CA 93102-1990 Resource Recovery and Waste Management 130 E. Victoria Street – Suite 100 Santa Barbara, CA 93101

III. METHODOLOGY FOR CALCULATING SHARED REVENUES AND COSTS

The County agrees to pay to the City by March 31st of each year the net revenues associated with the County's handling and marketing of the commingled recyclables in exchange for the City's continued delivery of its commingled recyclables (as collected from City solid waste customers using carts and cans) to the County Recycling Center.

Each year, by March 31, the County will calculate the net revenue (or net cost) using County financial and non-financial data from the immediately preceding fiscal year in accordance with the accounting methodology acceptable to the City and the County attached hereto as Exhibit A. The net revenue (or net cost) will be paid to the City in proportion to the total tonnage of mixed recyclables delivered to the County Recycling Center as recorded on the scales.

The City shall reimburse the County for all costs associated with administering and operating the program including but not limited to: program coordination, handling, storage, transport, processing, and disposal.

The County will be responsible for negotiating the terms for processing, conducting bi-annual waste sorts and administering the contract with the subcontractor.

IV. MAINTAINING QUALITY OF COMMINGLED RECYCLABLES

The value and sortability of the commingled recyclables is determined by the quality of material collected by the franchisee and delivered to the County Recycling Center. If County staff identifies an increase in the contamination of commingled recyclables received at the County facility, efforts will be made by the City and County to minimize contamination through greater public education efforts or route modifications.

V. PROCESSING OF GREEN WASTE

The City by action of the City Council agrees to provide the County with a 12-month written notice of a City decision to discontinue its current practice of directing green waste that is collected within the City limits (pursuant to its solid waste franchise agreement(s)) to a County of Santa Barbara facility for processing at a rate set annually by the Board of Supervisors.

In recognition of the financial impacts to the County resulting from the loss of revenues currently generated from the processing of greenwaste collected by the City's refuse hauler and delivered to the County Recycling Center, the County will be entitled to retain all net revenues otherwise payable to the City under Section III of this agreement and the City may dispose of its recyclable materials as the City deems appropriate and this agreement shall be terminated.

The County shall not be entitled to suspend payment to the City should the City direct its greenwaste to a facility other than a County of Santa Barbara facility, such as an anaerobic digester or conversion technology facility, as part of a regional solution to reduce landfill disposal.

VI. RECORD KEEPING

The County of Santa Barbara, Public Works Department, Resource Recovery and Waste Management Division, shall keep financial and accounting records.

Each year, the County shall provide to the City Finance Department, by March 31 for following fiscal year, an updated calculation itemizing costs and revenues associated with the commingled recycling program.

All funds received shall be properly accounted for and reported as required by law and generally accepted accounting principles.

VII. TERM OF CONTRACT

The agreement will be effective beginning on July 1, 2010, and will include the parties' performance under the terms of this agreement since July 1, 2010. The agreement shall be automatically renewed as of July 1 each year, unless terminated by either party as outlined herein.

VIII. <u>TERMINATION</u>

City or County may terminate this Agreement without cause by providing the other party with a 12-month written notice of such termination.

IX. OWNERSHIP OF DOCUMENTS

All reports and documents prepared by County under this contract are the property of the County.

X. <u>SECTION HEADINGS</u>

The section headings appearing herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of this Agreement.

XI. INTERPRETATION

The terms and conditions of this contract shall be construed pursuant to their plain and ordinary meaning and shall not be interpreted against the maker by virtue of that party having drafted the Agreement.

XII. NOTICES

Any notices required pursuant to this Contract shall be served at the following addresses:

Robert Samario
Finance Director
City of Santa Barbara
Finance Department
735 Anacapa Street
Santa Barbara, CA 93101

Mark Schleich
Deputy Director, Public Works
County of Santa Barbara
Resource Recovery &
Waste Management Division
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101

XIII. PROJECT MANAGERS

The project managers designated by each party to this Agreement for the administration and implementation of this Agreement are:

a. **City** Finance Director, City of Santa Barbara

b. **County** Deputy Director of Public Works, County of Santa Barbara

The designation of project managers by each party to this Agreement may be amended by each party by written notice without the need for modification of the entire Agreement as provided in Section X, herein.

XIV. MODIFICATION

This is a full and final statement of the agreement between the parties of this Agreement. No modification of this Agreement shall be valid unless evidenced in writing and executed by the parties hereto.

XV. CALIFORNIA LAW TO APPLY

This Agreement shall be construed and be in accordance with the laws of the State of California.

XVI. COMPLIANCE WITH LAWS AND REGULATIONS

County shall comply with all State, Federal, County, City and other local laws and regulations applicable to the scope of work and services to be performed hereunder, and shall obtain all licenses and permits required by any public entity to carry out the terms of this Agreement and be responsible for the cost of said licenses and permits.

XVII. <u>SEVERABILITY</u>

If any term, covenant, condition, provision or agreement contained in this Agreement is held to be invalid, void or unenforceable by any court of competent jurisdiction, the invalidity of any such term, covenant, condition, provision or agreement shall in no way affect any other term, covenant, condition, provision or agreement, and the remainder of this Agreement shall still be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized officers, on the day and year first above written.

CITY OF SANTA BARBARA A Municipal Corporation

APPROVED AS TO CONTENT:
ROBERT SAMARIO CITY FINANCE DIRECTOR
Robert Samario
rtoson Gamano
JAMES L. ARMSTRONG CITY ADMINISTRATOR
James Armstrong
ATTEST:
CYNTHIA M. RODRIGUEZ, CMC CITY CLERK SERVICES MANAGER
Cynthia M. Rodriguez, CMC
APPROVED AS TO FORM:
STEPHEN P. WILEY CITY ATTORNEY
Stephen P. Wilev

COUNTY OF SANTA BARBARA

Date:	By: JONI GRAY, CHAIR Board of Supervisors
ATTEST:	
CHANDRA L. WALLAR CLERK OF THE BOARD	APPROVED AS TO FORM: RAY AROMATORIO RISK MANAGEMENT
By: Deputy	By: Risk Manager
APPROVED AS TO FORM:	APPROVED AS TO ACCOUNTING FORM:
DENNIS A. MARSHALL, COUNTY COUNSEL	ROBERT W. GEIS, CPA AUDITOR-CONTROLLER
By: Deputy	By: Deputy
APPROVED AS TO CONTENT: SCOTT D. MCGOLPIN PUBLIC WORKS DIRECTOR	
By:	

Methodology for Calculating Shared Revenues and Costs Associated With the Processing and Sale of Commingled Recyclables

BACKGROUND

The County of Santa Barbara currently handles much of the commingled recyclables collected on the south coast at the County-owned South Coast Recycling & Transfer Station (SCRTS). Specifically, it handles materials collected by the City of Santa Barbara, the City of Goleta, and the unincorporated areas serviced by the County directly. Contracted refuse haulers collect the recyclables from commercial, single family residential and multi-unit residential customers and deliver them to the SCRTS.

The materials are transported by County-owned trucks to Gold Coast Material Recovery Facility (Gold Coast), a privately owned recycling center. The County is charged a tipping fee by Gold Coast.

Gold Coast sells the recyclables at a price that varies by material type. The gross revenue realized by Gold Coast is dependent upon the market price and mix of the commodities, which vary from month to month.

Gold Coast remits 90% of the value of the amount delivered by the County based on the weight of the materials and the current market price. The 10% discount is based on the fact that a portion of the materials cannot be sold.

Any residual left from the initial sorting that is not recyclable is taken by County trucks and delivered to the County-owned and operated Tajiguas Landfill. Although the County does not charge its own trucks a tipping fee for dumping the residual at its landfill, there is a cost associated with the consumption of "air space."

METHODOLOGY FOR CALCULATING FULLY-ALLOCATED COSTS

Net revenues to be shared among the participating agencies are calculated using data from the fiscal year that ended one year before the start of the fiscal year for which the payments are paid. For example, for payments made in fiscal year 2008, which began July 1, 2007, the date for the fiscal year ended June 30, 2006, would be used to calculate those payments.

For the fiscal years ending on June 30, 2009, June 30, 2010 and June 30, 2011, net revenues owed to the City of Santa Barbara shall be calculated by taking an average of net revenues over the same time period. Net revenues owed to the City of Santa Barbara for the fiscal year ending on June 30, 2014 shall be calculated two years in arrears as set forth above.

The County accounts for all of its costs in a separate enterprise fund, called the Resource Recovery & Waste Management Fund (#1930). The operations fall within the Public Works Department (#054). The revenues and costs subject to sharing costs and determining net revenues are those related to curbside recyclables collected in carts and cans in the South County.

The County has established a program/cost center, called the South Coast Curbside Recycling Program (#113301) where direct costs associated with commingled recyclables are captured. However, other costs (primarily indirect and overhead) allocable to this program are captured in other various cost centers. Therefore, a number of cost allocations, along with related assumptions imbedded within the allocation bases, have been used to calculate the "fully burdened" cost of the Curbside Recycling Program.

In broad terms, the methodology used to allocate net revenues associated with the South Coast Curbside Recycling Program requires the calculation of the following elements:

- 1. Direct Program Costs
- 2. Indirect (Operational) Program Costs
- 3. Departmental Overhead Costs
- 4. Disposal of Residual Delivered to Tajiguas

Direct Costs

The direct costs associated with recycling include costs accounted for in Curbside Recycling Program/Cost Center (113301). This program is accounted for in the Resource Recovery and Waste Management Fund (1930), within the Public Works Department (054).

The costs included in cost center 113301 include direct labor costs and tipping fees paid to Gold Coast (South County) for handling recyclable materials.

The labor costs are associated with four (4) operational areas: (1) Contract Management; (2) Recycling Promotions; (3) Transportation; and, (4) Pad Operations.

The allocation of *direct* labor costs are based on actual labor hours charged through employee timesheets; no manual secondary or offline allocations are performed.

Indirect (Operational) Costs

Indirect (operational) costs include Facility and Equipment Cost Allocations, Operational Administration (i.e., administrative overhead), General Recycling Services Allocation (i.e. general administrative overhead), and Program Promotions. The methodology used to allocate each of these costs is discussed below.

Facility & Equipment - These costs include all costs associated with the repair and maintenance of equipment attributable to recycling operations at the SCRTS. The costs include: (1) Fuel; (2) Equipment Expense; (3) Depreciation; and, (4) Facility Costs. These costs are tracked separately by program by the vehicle and facility maintenance operations, including costs attributable to the Recycling Program/Cost Center (113301).

Operations Administration – These costs are for the administration (supervision) of the maintenance and repair of vehicles and equipment. An overhead rate is applied to direct labor costs (5.8% in 2010), as well as costs for supplies, accounted for in cost centers 114510, 112200 and 165000 located in the Resource Recovery & Waste Management Fund 1930, Public Works Department (054). These costs are specifically for: (1) Shop Overhead; (2) Supervision & Facility Labor Overhead; and (3) Facility Overhead. The overhead rate is the ratio of the total actual number of labor hours associated with the operation of the SCRTS and the number of labor hours dedicated to handle commingled recyclable materials.

General Recycling Services Allocation – These are various costs accounted for in the Recycling Program/Cost Center (113300) that are associated with general recycling, and are not directly related to the curbside program (113301). They include costs for: (1) Facilities; (2) Supervision; (3) Equipment; (4) Fuel; and, (5) Depreciation. Certain adjustments are made to the total costs for costs previously allocated, such as for labor and equipment and vehicle maintenance. An overhead rate is applied to these adjusted costs to calculate the portion attributable to commingled recycling (28% in 2010). The overhead rate is calculated based on the proportionate number of labor hours at the SCRTS pertaining to commingled recyclables processing in relation to the total labor hours at SCRTS for all recoverable materials, including greenwaste, C&D, and other recycling activities.

Program Promotions – These are costs incurred for promoting recycling in the County. They are accounted for in line-item account number 7530 within the Curbside Recycling Program/Cost Center (113301). The costs include radio, television and print media advertisements. Any portions directly associated with North County are not included.

Departmental Overhead Costs

Departmental administration costs for all activities contained within the Resource Recovery & Waste Management enterprise fund are accounted for in the Administration Program/Cost Center (#105000). Also included in this program is the fund's share of County-wide overhead costs.

For purposes of calculating the net revenues, a share of all costs in the Administration Program (105000) are allocated (off-line) to the Curbside Recycling Program. This is done by dividing the total direct costs associated with

commingled recyclables by the total fund costs. This percentage is then applied to the costs in the Administration Program to calculate the Curbside Recycling Program's share of departmental overhead.

It is important to note that costs for workers' compensation and liability applicable to the entire fund are **not** allocated to the individual programs/cost centers within the Resource Recovery & Waste Management Fund; rather, the fund's entire share of these costs, allocated from internal service funds, are accounted for in the Administration Program. Therefore, adjustments need to be made before the calculation of overhead as described above, as follows:

- a. Calculate the costs for workers' compensation (w/c) and liability insurance attributable to the Curbside Recycling Program (CRP). Since workers' compensation charges are essentially based on salary costs, the calculation of the workers' compensation costs attributable to the CRP applies the same ratio of total workers' compensation costs to total salaries in the fund to the Curbside Recycling Program. For liability insurance, the allocation is based on the total operating budget by program.
- b. Recalculate the direct costs of the Curbside Recycling Program by adding its share of workers' compensation and liability costs and described above.
- c. Reduce the total costs for w/c and liability insurance for the portions attributable to all other programs in the fund so that only those costs directly attributable to Administration are left.
- d. Calculate departmental overhead as described earlier using the adjusted amounts.

Costs for Disposal of Residual

A portion of commingled recyclables delivered to Gold Coast cannot be processed due to problems such as contamination and excess moisture, rendering it unmarketable. The unusable portion is transported back to the County-owned and operated Tajiguas Landfill.

In recognition of the fact that residual material consumes "air space" at Tajiguas and therefore represents an unfunded cost, a cost equal to the per ton tipping fee will be assigned to the portion of commingled recyclables returned as residual, equal to an average of the total amount of commingled recyclables delivered to Gold Coast for processing (10% in 2010).

REVENUES SUBJECT TO SHARING

Payments from Contracted Materials Recovery Facility

Payments are received monthly by the County based on 90% of the value of materials delivered to the Gold Coast facility. These payments represent approximately 95% of revenues subject to allocation among participating agencies.

SCRTS Tipping Fees

In addition to payments received by the County from Gold Coast from the sale of recyclable materials, the County receives tipping fees at the SCRTS for greenwaste, commingled recyclables and trash delivered by the participating jurisdictions' contracted haulers and other private haulers. The portion of the fees attributable to commingled recycling program is determined by calculating the percentage of commingled recyclable material (by weight) to the total tonnage of all materials processed. This percentage is applied to the total revenues generated by the SCRTS (tracked separately).

Interest Income

Interest is earned on restricted cash held for Closure Post Closure costs as well as cash received from operations. The portion of interest earned from operations (46.74% of total interest earned) is further reduced for the earnings generated by cash held in connection with outstanding certificates of participation ("COP's"). This adjusted interest income is used as the base for calculating interest income attributable to commingled recycling. The percentage calculated and applied to determine the percentage of materials represented by commingled recyclables (4.09% in 2010) is applied to the remaining interest income allocable to commingled recycling.

ALLOCATION OF TONNAGE TO PARTICIPATING AGENCIES

Since it would be too cumbersome to determine the actual tonnage delivered and processed (net of residual) by Gold Coast by participating agency, the allocation of tonnage is based on the weight logged by the scales at the SCRTS by truck, which can be assigned to the appropriate agency.

A report generated by the SCRTS shows total tons processed for each agency. In Fiscal Year 2009-10, for example, the total weight logged by the scales was 21,932 tons, of which 11,185 originated in the City of Santa Barbara.

FISCAL YEAR 2010 REVENUE SHARING DATA AND CALCULATIONS

Attached to this exhibit is a summary of the costs and revenues associated with the South Coast Curbside Recycling Program, based on data from the fiscal year which ended on June 30, 2010, to be shared during the fiscal year ending on June 30, 2012.

South Coast Curbside Recycling Program Costs and Revenues Fiscal Year 2009-10

Total Incoming Tons			21,932
90% Gross Sales Revenue per Ton			\$ 117.80
Processing Fee / Ton			\$ 71.88
County Costs			
Net Cost of Operations	\$	0.21	
Transportation of Residual	\$	17.21	
Disposal of Residual	\$	6.35	
Administrative Overhead	\$	2.62	
Total County Costs			\$ 26.39
Subtotal of Processing and County			
Costs	1		\$ 98.27
Net Revenue per ton (Gross Revenue			
minus Processing Fee and County	İ		
Costs)	1		\$ 19.53
Commingle Surcharge Revenue*			\$ 14.09
Net Gain/(Loss) per ton			\$ 33.62

 $^{^{\}star}$ one-time surcharge assessed by each jurisdiction to compensate for a dramatic downturn in the recyclables market.



August 1, 2011

Mr. Robert Samario Finance Director City of Santa Barbara 735 Anacapa Street Santa Barbara, CA 93101

Dear Mr. Samario:

Per our discussion at the City Council's Sustainability Committee meeting on Tuesday July 19, I am providing you with Republic Services' revised offer to process the City's recyclables at our Del Norte Regional Recycling and Transfer Facility for the balance of fiscal year 2012.

While this is an extension of our previous offer, we would like to reiterate the following, in addition to our increased offer of \$60 per ton:

- 1) \$60 / ton guaranteed payment to City
 - a. No processing fees
 - b. No transportation costs
 - c. No residual disposal costs
- 2) Transportation to Del Norte provided by Republic Services from the South Coast transfer station (or MarBorg C&D facility)
- 3) Recyclables loaded at transfer station (\$5 / ton handling fee that is charged by the County of Santa Barbara will be paid by Republic Services)
- 4) Tonnage from the City is approximately 10,087 tons for the remainder of the year, or 917 tons per month
- 5) Guaranteed term is August 2011 June 2012
- 6) Full up-front payment to the City from Republic Services in the amount of \$605,220 upon execution of this offer
- 7) 90% diversion guarantee

I look forward to hearing from you.

Sincerely,

Stephen MacIntosh General Manager

Del Norte Regional Recycling and Transfer Facility

Cc: Mayor and Council
Jim Armstrong, City Administrator
Matt Fore, Environmental Services Manager
Kristy Schmidt, Employee Relations Manager

111 S. Del Norte Boulevard Oxnard, CA 93030 PH: 805-278-8200

FAX: 805-278-8210

Agenda	Item	No		
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File Code No. 330.05



CITY OF SANTA BARBARA COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Administration Division, Public Works Department

SUBJECT: City Fleet Operations Program

RECOMMENDATION:

That Council receive a presentation on the City's Fleet Operations Program.

DISCUSSION:

The purpose of this presentation is to discuss Fleet Program characteristics and cost centers. Staff is returning to Council as a follow-up to the Public Works budget presentation for Fiscal Year 2012.

PREPARED BY: Gary Horwald, Fleet Manager/GH/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Agenda	Item	No.		
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File Code No. 230.01

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Capital Improvement Projects: Annual Report For Fiscal Year 2011

RECOMMENDATION:

That Council receive a report on the City's Capital Improvement Projects for the Fourth Quarter of Fiscal Year 2011.

EXECUTIVE SUMMARY:

A presentation is being made to Council summarizing the progress made on capital improvement projects for the past fiscal year that includes \$26 million in completed construction projects. The value of projects with construction in progress totals \$75,641,814, and the design phase totals \$111,856,294.

DISCUSSION:

CONSTRUCTION HIGHLIGHTS:

There were 18 projects completed in Fiscal Year 2011, with total project costs exceeding \$26 million (see Attachment 1). Six projects were completed in the fourth quarter of Fiscal Year 2011 (see Attachment 2). Highlights include the following:

- New Infrastructure and Maintenance Several projects were completed in Fiscal Year 2011 to maintain the City's infrastructure. These projects included routine pavement maintenance, street lighting, sidewalk infill, water main improvements, and sewer main point repairs.
- Carrillo Recreation Center Rehabilitation This project completed a
 comprehensive rehabilitation of the City designated historic landmark built in
 1913. Major improvements included accessibility and life safety. Many of the
 original architectural features have been restored. Recreation programs and
 staff have moved in, and the landscaping phase was recently completed. A
 ribbon cutting ceremony is planned to celebrate the completion of the project.

Council Agenda Report Capital Improvement Projects: Annual Report For Fiscal Year 2011 August 23, 2011

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CONSTRUCTION IN PROGRESS:

There was a significant amount of construction in progress at the end of Fiscal Year 2011 (see Attachment 3). The following are some highlights of construction projects in progress:

Airport:

 Airport Terminal (\$32,858,000) – The mechanical, electrical, and plumbing systems were completed in June. In addition, all landscaping and road improvements have been completed. Final testing is taking place on the elevators, escalators, and fire alarm systems to prepare for an August 2011 move in.

Creeks:

 Mission Creek Concrete Channel Fish Passage Phase I (\$1,066,247) - The project was awarded a California Fish and Game grant in the spring of 2011. Construction is scheduled to start in the first quarter of Fiscal Year 2012. The project is scheduled to be completed in August 2011.

Public Works Streets:

- Jake Boysel Multipurpose Pathway (\$489,710) Construction of this new multipurpose pathway was completed at the end of June. This new pathway provides an essential off-street pathway for bicyclists and pedestrians, particularly children traveling to and from nearby schools, and was funded by a Federal Safe Routes to School grant. The project included the installation of a memorial bench and boulder dedicated to Jake Boysel, for whom the project is posthumously named. A ribbon-cutting ceremony was held at the end of May and was very well attended by friends and family of Jake Boysel, community members, Mayor and Council Members, and the project team. The path is now open for use. A Notice of Completion was filed in August.
- Zone 6 Pavement Preparation (\$1,694,493) This zone consists of the primary arterial streets which carry most of the traffic throughout the City. Included in this project is work on various parking lots within the City. This project is part of the City's Annual Pavement Management Program. The project is scheduled to be completed in October 2011.

Public Works Wastewater:

 Wastewater Main Rehabilitation 2011 (\$1,398,687) - The work consists of upgrading approximately 33,700 linear feet of small diameter sewer mains, specifically 6-inch and 8-inch diameter mains, at various locations throughout the City. The project is scheduled to be completed by March 2012. Council Agenda Report

Capital Improvement Projects: Annual Report For Fiscal Year 2011

August 23, 2011

Page 3

Public Works Water:

 Cater Ozone Project (\$13,980,000) - Bids were received for the project in late April. The construction contract was awarded by City Council on June 21, 2011. Construction is scheduled to begin in August 2011. The project is scheduled to be completed in May 2013.

Waterfront:

 Marina One Phase 2-4 (\$4,215,146) - Phase 2 of the project, the replacement of Fingers O and P, was completed in May. Work has begun on submittals for Phase 3, the replacement of Finger N, and construction is anticipated to start in November 2011. The project is scheduled to be completed in June 2013.

DESIGN HIGHLIGHTS:

There are currently 48 projects under design, with an estimated total project cost of \$111,856,294 (see Attachment 3).

Work is scheduled to be funded over several years, as generally shown in the City's Six-Year Capital Improvement Program Report. The projects rely on guaranteed or anticipated funding and grants.

The following are design project highlights:

Public Works Streets:

- Sycamore Creek Improvements Punta Gorda Bridge (\$2,500,000) The proposed project involves creek widening and bank restoration improvements just north of Highway 101, and ending just north of the Punta Gorda Street Bridge. The project is currently in the City's land development review process and requires environmental review.
- Carrillo Sidewalk Infill Milpas to Nopal (\$310,000) The design plans are currently being finalized for this project, which will include construction of new sidewalk, curb and gutter, access ramps, planted parkways, and street trees on East Carrillo Street between Milpas and Nopal Streets. Public outreach to the property owners has been an important component of finalizing the design and construction is anticipated to begin in October 2011.

Public Works Wastewater:

 Headworks Screening Rehabilitation (\$5,737,687) - The project is currently out to bid. Once completed, the headworks screening, conveyance and washer compactor system will be replaced with more efficient equipment. The majority of this project will be funded by a Clean Water State Revolving Fund agreement. Council Agenda Report

Capital Improvement Projects: Annual Report For Fiscal Year 2011

August 23, 2011

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Public Works Water:

- Las Canoas Water Main Replacement (\$5,000,000) The design effort continues on the Las Canoas water main replacement with the focus on the three drainage crossings.
- Ortega Groundwater Treatment Plant Rehabilitation (\$9,511,500) The design for this project to rehabilitate the plant to treat groundwater was completed and is currently out to bid. Construction is scheduled to start in October 2011.

SUMMARY:

In Fiscal Year 2011, approximately \$26 million of construction projects were completed. Fiscal Year 2012 is scheduled to have 31 projects valued at approximately \$43 million in completed construction.

ATTACHMENTS: 1. Completed Capital Projects Fiscal Year 2011

2. Completed Capital Projects Fourth Quarter Fiscal Year 2011

3. Capital Projects with Design and Construction in Progress

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/TB

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

COMPLETED CAPITAL PROJECTS FISCAL YEAR 2011

First Quarter Fiscal Year 2011	Total Project Costs
Water Main Replacement	\$1,960,795
West Cabrillo Pedestrian Improvements	\$2,877,873
Total	\$4,838,668

Second Quarter Fiscal Year 2011	Total Project Costs
Las Positas Creek Restoration and Storm Water	\$3,163,536
Management	
Marina One Replacement - Phase I	\$2,145,671
Eastside Sidewalk and Access Ramps	\$141,658
Parma Park Equestrian Staging Area	\$317,884
Total	\$5,768,749

Third Quarter Fiscal Year 2011	Total Project Costs
Parking Lots 4 and 5 Circulation and Accessibility	\$676,598
Improvements	
Alisos Street Access Ramps	\$205,918
ARRA Catch Basin Repair Project	\$194,878
Mission Creek Restoration and Fish Passage at	\$824,652
Tallant Road	
Zone 4 Pavement Preparation	\$909,830
Carrillo Recreation Center Rehabilitation	\$5,089,787
Total	\$7,901,663

Fourth Quarter Fiscal Year 2011	Total Project Costs
Airport Tidal Restoration	\$1,372,907
Loma Alta Hill Sidewalk Project	\$939,815
ARRA Access Ramp and Sidewalk Maintenance	\$869,377
Brinkerhoff Avenue Street Lighting	\$96,825
West Downtown Pedestrian Improvement	\$3,320,034
Sewer Main Point Repairs FY 11	\$1,076,747
Total	\$7,675,705

Grand Total for Fiscal Year 2011 - \$26,184,785

COMPLETED CAPITAL PROJECTS, FOURTH QUARTER FISCAL YEAR 2011

Project Name	Airport Tidal Restoration	Loma Alta Hill Sidewalk	ARRA Access Ramp & Sidewalk Maintenance	Brinkerhoff Avenue Street Lighting	W. Downtown Pedestrian Improvement	Sewer Main Point Repairs FY 11	Total
Design Costs	\$297,182	\$156,224	\$89,950	\$14,101	\$501,751	\$11,465	\$1,070,673
Construction Contract	\$855,101	\$493,566	\$603,170	\$40,999	\$2,299,220	\$784,400	\$5,076,456
Construction Change Order Costs	-\$2,395	\$152,875	\$81,926	-\$77	\$224,926	\$195,782	\$653,037
Construction Management Costs	\$223,019	\$137,150	\$94,331	\$41,802	\$294,137	\$85,100	\$875,539
Total Project Costs	\$1,372,907	\$939,815	\$869,377	\$96,825	\$3,320,034	\$1,076,747	\$7,675,705

CAPITAL PROJECTS WITH DESIGN AND CONSTRUCTION IN PROGRESS

PROJECT CATEGORY	DESIGN IN PROGRESS		
TROUEGT GATEGORT	No. of Projects	Total Value of Projects	
Airport	4	\$3,510,000	
Creeks	3	\$5,152,999	
Library	1	\$1,487,999	
Parks and Recreation	1	\$615,000	
Public Works: Streets/Bridges	5	\$45,181,640	
Public Works: Streets/Transportation	12	\$10,148,851	
Public Works: Water/Wastewater	15	\$34,217,805	
Redevelopment Agency	6	\$11,065,000	
Waterfront	1	\$477,000	
TOTAL	48	\$111,856,294	

PROJECT CATEGORY	CONSTRUCTION IN PROGRESS		
TROUEGT GATEGORT	No. of Projects	Construction Contract Costs	
Airport	4	\$35,772,428	
Creeks	1	\$1,066,247	
Environmental Services	1	\$496,460	
Public Works: Streets/Bridges	2	\$7,631,299	
Public Works: Streets/Transportation	7	\$5,922,034	
Public Works: Water/Wastewater	6	\$17,083,663	
Redevelopment Agency	3	\$3,454,537	
Waterfront	1	\$4,215,146	
TOTAL	25	\$75,641,814	

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File Code No. 640.07



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 23, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Architectural Board Of Review Final Approval Of

903 W. Mission Street

RECOMMENDATION:

That Council deny the appeal of Pamela Brandon and uphold the Architectural Board of Review Final Approval of the proposed accessory dwelling unit and new garage.

PROJECT DESCRIPTION:

The proposed project involves the remodel of the existing residence, and the construction of a 442 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of an existing 317 square foot non-conforming garage, the addition of a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 442 square foot new accessory dwelling unit and a new 623 square foot three-car garage on a 5,000 square foot lot that is currently developed with an 844 square foot single family residence and a 317 square foot detached garage.

EXECUTIVE SUMMARY:

On October 19, 2010, the proposed project was approved by the City Council, on appeal by Pamela Brandon, a neighbor. The City Council reviewed the project, denied the appeal on a 4/2 vote, thereby upholding the Architectural Board of Review's (ABR) decision to grant a Preliminary Approval. The Council directed the applicant to make the following changes, and return to the ABR: reduce the cantilevered portion of the second story, study and minimize the height of the building and have the proposed clerestory window be a condition of the project approval.

The applicant returned to the ABR on March 7, 2011, incorporating the Council's requested changes into the plans. The appellant opined that the project did not comply with the Zoning Ordinance, in that the cantilevered portion of the accessory dwelling unit encroached into the required open yard area. Due to a misunderstanding about the relevant zoning provisions, the ABR granted the project Final Approval. Staff investigated,

and found that Ms. Brandon was correct. Staff subsequently informed the applicant and the ABR that the project did not comply with zoning, and voided the Preliminary and Final approvals. The applicant redesigned the project to eliminate the cantilevered portion of the accessory dwelling unit, and applied for ABR approvals.

Upon further review, Staff and the City Attorney's Office determined that the voiding of the Preliminary approval was inappropriate, and negated the voiding of the Preliminary Approval, so that the Preliminary Approval remained valid. The ABR granted a Final Approval for the revised plan, and Ms. Brandon appealed that approval. The appellant's letter is attached as Attachment 1.

DISCUSSION:

Project History

On July 28, 2010, the Staff Hearing Officer (SHO) reviewed and approved two modifications to permit construction of a new garage within the required 20 foot front setback along Gillespie Street (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

On August 23, 2010, the Architectural Board of Review (ABR) granted Preliminary Approval of an application for the design review of an accessory dwelling unit above a new garage, by a vote of 3/1/0. The ABR minutes are attached as Attachment 3.

On September 2, 2010, an appeal of the ABR Preliminary Approval was filed by the adjacent neighbor, Pamela Brandon, residing at 905 W. Mission Street. The appeal asserted that the project design is not consistent with the surrounding neighborhood, the project is not consistent with the Zoning Ordinance, and that the project negatively affects the appellant's property values. On October 19, 2010, the City Council denied the appeal as described above.

On March 7, 2011, the applicant incorporated the Council's requested changes and returned to the ABR requesting a Final Approval. Ms. Brandon pointed out to the Board that the project was not in compliance with the Zoning Ordinance because the cantilevered second story encroached above the required open space, and that open yard must be unobstructed from the ground upward. There was a misunderstanding among the ABR members, who thought that the cantilevered portion of the building complied with a section in the Zoning Ordinance that allows overhangs as long as they are 7' above finished grade, and they granted the project Final Approval. However, the allowance described above only applies in the R-3/R-4 Zone.

Staff investigated Ms. Brandon's allegation, and determined that the cantilevered portion did not comply with the Zoning Ordinance. Two options existed: redesign or apply for a modification. Staff was not in support of a modification and directed the applicant to redesign the project to eliminate the overhang. At the time, not knowing how the applicant would proceed, staff felt it best to void both the Preliminary Approval and Final Approval, and prepared a letter, informing the applicants that these decisions had been voided.

The applicant opted to reduce the size of the second story by eliminating the cantilever, relocating the storage space to the garage, and reducing the second story from 525 square feet to 442. The project returned to the ABR for Final Approval.

Prior to the ABR's final action, staff determined that voiding the Preliminary Approval was inappropriate because the project's Preliminary Approval had already been appealed to City Council, and the revised project substantially conforms to the project approved by Council, and is consistent with the direction that the Council gave the applicant. After consulting with the City Attorney's Office, Staff negated the voiding of the Preliminary Approval. The result is that the Preliminary Approval that was granted by the ABR in August 23, 2010, and upheld by the Council in October 19, 2010, remains valid. The revised project proceeded to ABR and received a Final Approval on May 16, 2011. It is this Final Approval that the appellant is appealing.

APPEAL ISSUES

Reinstatement of Preliminary Approval

The appellant states that because there was a cantilevered portion of the second story which encroached over the required open space, the Preliminary Approval can not be valid.

The zoning issue was not caught prior to the SHO's approval of the modifications or the ABR's Preliminary Approval of the project. If it had been caught, it would have been resolved prior to any discretionary approvals. However, the fact that it wasn't caught does not negate prior approvals. The City's practice for handling these types of situations is to work with the applicants to address the problem by either redesigning so that it complies with all zoning regulations, or requesting a modification. In this case, staff did not believe that an additional modification was appropriate given project history and the concerns which were raised during the previous reviews. Therefore, the applicant revised the project and submitted the smaller, revised project to the ABR for Final Approval.

Staff had initially determined that the Preliminary Approval and the Final Approval should be revoked in order to proceed with a revised project. However, since that initial determination, Staff reviewed the Council appeal hearing again, and concluded that the City Council had specifically considered the design and size of the cantilevered structure during their review. The City Council determined that the design of the cantilevered structure was acceptable as long as its size was reduced. Not only has it been reduced, but it has now been eliminated. Since Council specifically considered the design of the cantilevered structure during the appeal of the Preliminary Approval, Staff concluded that it was not necessary to void the Preliminary Approval (Project Design Approval). A memo to the ABR from staff is provided as Attachment 4.

Staff reviewed the applicant's revised drawings and confirmed that the only significant change is the elimination of the second story cantilever. Other minor revisions include: reduction of the second story Private Outdoor Living Space to meet the minimum required dimensions (as it previously exceeded the minimum required dimensions); the wall of the bedroom moved closer to the 20' foot setback to make up for the 2' taken out of the back of the unit; two (2) 3'-0" French doors with an awning window were added in lieu of four (4)

3'-0" sliding doors; and the north elevation roof eave was extended to the 20'-0" second story front setback line.

The applicant's proposed solution to the open space encroachment resulted in eliminating the cantilevered portion of the second story; therefore, the design remains consistent with the Preliminary Approval granted by the City Council.

Plans do not comply with the zoning ordinance.

The appellant states that the required private storage space for the Accessory Dwelling unit has a different setback requirement than the garage that contains it, and therefore the plans are in violation of the Zoning Ordinance.

The required interior setback for free-standing storage is six feet. The required interior setback for covered or uncovered parking in the R-2 zone is three feet. This project proposes a new three garage with a three foot setback, and proposes the required storage area for the Accessory Dwelling Unit to be in the garage. Storage cabinets can be, and often are, placed within garages.

Required storage can and often is placed in the garage as long as it does not obstruct the minimum dimensions for required parking and does not obstruct access to the required parking. Transportation Planning has consistently determined that storage cabinets may be mounted at the rear of garages at 4' off the finished floor and 4' in from the face of wall, as long as they do not obstruct the only pedestrian path of travel to a door to the interior of the house. If storage were proposed on the side walls of the garage, it would have to be 6'-6" above finished floor.

The prohibition of storage in Section 28.87.190 only prohibits storage in the "required interior setback". As long as an item is stored within covered parking that observes the required setback, the storage is outside the "required interior setback" and therefore not subject to the prohibition. As long as the storage is weather proof, lockable and separate from linen and clothing closets, it complies with the requirement.

Neighborhood Compatibility

The appellant states that the style of architecture, proposed materials and scale of the proposed addition are not consistent with the surrounding neighborhood.

The ABR conceptually reviewed the proposal on three occasions (Attachment 3). During the first and second reviews, with a previous architect, the ABR did not believe that the project was compatible with the neighborhood as proposed. The Board requested that the applicant reduce roof pitches and ridge heights and asked the applicant to study a design that was more compatible in style, massing, and materials with the surrounding neighborhood.

After the first two reviews, the applicant hired AB Design Studio, the current architects, and the project returned for a third time with a revised design on May 17, 2010. With the revised design, the Board supported a modification for the new garage to encroach 18" into the front setback and the modification to provide less than required common area of 600 square feet because of the size of the lot and its location on a corner. The Board

stated their appreciation for the change in architectural design. Satisfied with the revised design, the Board forwarded the project to the Staff Hearing Officer.

Subsequently, the project proceeded to the Staff Hearing Officer on July 28, 2010. The appellant, Pam Brandon spoke at the public hearing and voiced her concerns about loss of privacy and reduced property value and suggested having a skylight in lieu of, or relocating, the window overlooking her backyard. The Staff Hearing Officer approved the project with the added condition that the ABR would review the proposed window location on the second-story building with respect to providing maximum privacy for Ms. Brandon.

The project returned to the ABR for Preliminary Review and at that time the applicant proposed clerestory windows so that the new accessory dwelling unit could still receive light from the south while still addressing the privacy concerns of the adjacent neighbor. The ABR, finding this solution acceptable, granted a Preliminary Approval with comments regarding building materials. The ABR stated that Ms. Brandon's privacy concerns had been sufficiently addressed.

Ms. Brandon filed an appeal of the Preliminary Approval based on a lack of neighborhood compatibility, inconsistency with the Zoning Ordinance, negative affects on her property values and loss of privacy. On October 19, 2010, this appeal was denied on a 4/2 vote. The Council Agenda Report is attached as Attachment 2. A majority of Council agreed with the ABR in that the neighborhood consists of a mix of architectural styles, with no main style dominating the neighborhood, and stated that the project was compatible with the neighborhood. They directed the applicant to reduce the amount of cantilever on the south side, (the side facing Ms. Brandon's property) and to reduce the height of the building. The issue of neighborhood compatibility has been decided with the previous appeal hearing.

The Application Has Been Mishandled by the Architect, City Staff and the ABR.

Architect

The appellant asserts the proposed project 903 W. Mission has been mishandled by the Architect, City Staff and the ABR. The architect's conduct is not a subject for this appeal.

City Staff and the Staff Hearing Officer

There are two specific instances where staff made errors on this project: 1) if Staff had discovered the cantilevered portion of the second story to be out of compliance with the Zoning Ordinance during the initial plan check of the project, prior to the SHO, ABR and Council hearings, there would be less process and confusion for all involved; 2) Upon discovery of the cantilevered portion's non compliance, Staff should have only voided the Final Approval. Voiding then "un-voiding" the Preliminary Approval added unnecessary confusion to the process. However, it is Staff's responsibility to correct errors as soon as they are discovered, and in both instances, this is what happened.

The portion of the project that did not comply with the ordinance has been eliminated, resulting in an overall smaller project.

ABR Review

We do not agree with Ms. Brandon's assertions regarding the ABR mishandling the project. Although Ms. Brandon states that this type of architecture is not appropriate for the neighborhood, the ABR has deemed otherwise and followed the rules that have been set forth for the Design Review process. The applicant worked with the Board and made changes to the project based on input from the neighbors and the ABR. The Board reviewed the project in relation to overall, size, bulk and neighborhood compatibility and found the project to be acceptable.

The appellant's original concerns were that the approved project negatively affects her property values, because allowing a window on the second story facing west, would encroach upon her privacy.

The applicant proposes a clerestory window that is 7'-6" above the finished floor of the second story. The ABR stated at the last meeting that the applicant's privacy concerns had been adequately addressed. Staff believes that the clerestory window does not result in a privacy issue.

The proposed clerestory windows are compatible with the proposed modern architectural style; however, if the project were to be revised to a more traditional style, it could result in windows that may actually impact the appellant's privacy.

Additionally, the required interior yard setback is three feet for parking structures, and six feet for the second story. As proposed, the garage is set back 10' from the property line shared with the appellant, which exceeds the minimum requirement by 7 feet for the first floor and 4 feet for the second floor. Allowing the building to encroach 18" into the front yard provides an additional buffer between the new structure and the neighbor's property and aids in preserving privacy between the two properties, while still meeting the requirements for the garage depth.

Ms. Brandon also states that the ABR has not followed the guidelines because the project is close to a landmark or structure of merit. SBMC §22.68.045 provides a compatibility analysis for the ABR to use when reviewing projects. One of the guidelines asks if the design of the project is appropriately sensitive to adjacent Federal, State, and City Landmarks and other nearby designated historic resources, including City structures of merit, sites or natural features. The proposed project is not adjacent to or in the vicinity of any designated historic resources and therefore, complies with the Compatibility Analysis.

CONCLUSION:

The proposed project has undergone a thorough review by staff, the ABR, the Staff Hearing Officer, and the appellant. The City Council has also reviewed the design and style of architecture on appeal of the ABR's Preliminary Approval, and the appeal was denied. Staff's position is that appropriate consideration has been given to the appellant's issues as part of the Architectural Board of Review and Staff Hearing Officer review process. The project is compatible with the neighborhood; the project is consistent with the Zoning Ordinance, and the proposed clerestory window does not impact the appellant's privacy. Staff recommends that the Council deny the appeal and uphold the ABR's Final Approval. The Preliminary Approval granted by Council in October remains valid and this revised project is a response to the appellant's concerns and the Council's recommendations at the last appeal hearing.

ATTACHMENTS: 1. Appellant's letter dated May 25, 2011

2. Council Agenda Report dated October 19, 2010

3. ABR minutes

4. Memo to ABR from Kelly Brodison dated May 16, 2011

NOTE: Project plans have been sent separately to Mayor and Council, and are

available for public review in the City Clerk's office.

PREPARED BY: Kelly Brodison, Assistant Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community

Development Director

APPROVED BY: City Administrator's Office

May 25, 2011

RECEIVED

Dear City Council members,

2011 HAY 26 PM 1: 18

I'm appealing the ABR's decisions from the May 16, 2011 ABR meeting for 963 W. Mission Stabara

Only 3 ABR members voted for final approval. 2 ABR members are opposed to these design plans because they are not compatible with the neighborhood. The remaining 2 ABR members recused themselves from voting. They are the current architect and landscape architect hired by the applicant to work on the 903 W. Mission Street project. Before they were hired, they had not favored the project. The structure is too large for this small corner lot and will be an unwelcome intrusion not compatible with the neighborhood which includes a potential historic structure.

It was only after public comments regarding the project on May 16, 2011, that Kelly Brodison, assistant city planner, announced the preliminary approval for 903 W. Mission St. had been reinstated after being voided in March. She blamed the reversal on another mistake. The Agenda did not inform the public that the preliminary and final approvals granted earlier had been voided because the project, as presented and reviewed by the ABR, Staff Hearing Officer, and City Council was not eligible for approval because it violated the zoning ordinance. And the ABR then voted for final approval. That was improper.

I'm appealing the final approval and the preliminary approval which was incorrectly announced as being reinstated on May 16.

This appeal is based on the following:

- 1) The Voided Preliminary Approval was Wrongly Reinstated. After discovering the design plans were not in compliance with the zoning ordinance, it was announced at the March 21 ABR meeting that the preliminary and final approvals were voided. Than, at the May 16 ABR meeting, Kelly Brodison announced that staff was retracting the voiding of the preliminary approval and reinstating the preliminary approval. Her stated reason for the retraction was that after further thought, staff's determination was that since City Council had approved the design plans during the preliminary approval appeal hearing, the preliminary approval should not have been voided. However, the fact remains that the design plans did not conform to the zoning ordinance and therefore the design review is still void. City Council made their determination based on incorrect information that staff gave them. Council did not know the plans were not in compliance with the zoning ordinance. A final approval cannot be given until a design review is approved. Therefore, if the design review is void, then the final approval given on May 16 should also be void.
- 2) The Current Plans do not Comply with the Zoning Ordinance and Therefore, the Design Review and the Final Review Approvals Should be Vold. At the last hearing, the required private storage space for the accessory dwelling unit was shown to have been relocated on the plans so that it now encroaches into the interior setback by 3 feet. This does not comply with the interior setback in the R-2 zone because the zoning ordinance states it only allows covered or uncovered parking within three feet of the property line. It allows no other uses within the setback. The Code section as written does not use the word "garage"; it says covered or uncovered parking. That restriction makes sense because if other uses are allowed within the setback, the property owner is encouraged to build a larger garage just to have a workshop, storage or other uses and it puts more activity too close to the neighbor. (See Attachment A)

That same required private storage space is also partially located within the main house's portion of the parking, which is also against city code. The zoning ordinance specifically requires two parking spaces to be allocated to the larger unit and one space to be allocated to the smaller unit through the use of appropriate signage on the site. Therefore, having the private storage space for the 2nd unit in the main house's parking area is not acceptable according to the zoning ordinance.

The violations have been pointed out to staff and to the ABR and they have allowed the plans to go through anyway.

3) The Design Plans are Not Compatible With the Neighborhood. The proposed plan is for a metal clad modern industrial building. This is not a style within our neighborhood and is not in keeping with the neighborhood's charm and character. The plans are not compatible in size, scale, style and materials. The plans fail to follow the ABR Guidelines and the Municipal Code in regards to neighborhood compatibility.

According to the Santa Barbara Municipal Code 22.68.045, one of the criteria that shall be looked at by the ABR when it reviews and approves or disapproves the design of a proposed development project is the following question: "Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?" In this case, clearly the answer is no. (See attachment B)

4) The Application and Review Process Has Been Mishandled by the Architect, City Staff and the ABR, Which is Deeply Concerning Especially Since 2 ABR Members are Working on this Project. It appears to me that the architect, Clay Aurell, who is a member of the ABR, has clearly violated ethical standards by communicating with staff about the project. (See Attachment C.) Also, inaccurate information has been presented by the architect to the staff. The Staff Hearing Officer was given inaccurate information and approved 2 modifications – one for less than the required open yard space and one to build 18" into the front setback – with no justification other than the standard reply that the modifications are "consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot." The fact is that the size of the improvement is excessive for the lot.

Staff has allowed plans to go through that were not in compliance with the municipal code – the original plans showed a cantilevered living space being built over the already smaller than normally required open yard space. This error lead to the original preliminary and final approvals being voided at the direction of the City Attorney and with the concurrence of the Applicant. Afterwards, plans were revised and resubmitted but are still not in compliance with the zoning ordinance and yet staff allowed these flawed plans to go through and ABR gave final approval.

ABR has not followed the ABR guidelines in regards to neighborhood compatibility. One example of this is when a member of the ABR brought up a point in the guidelines that state when a project is close to a landmark or structure of merit, they are supposed to be particularly concerned with compatibility. He asked the other ABR members and staff that were present at the meeting if they knew of this point in the guidelines. None of them were aware of it and therefore brushed it off as if it was not something they had to follow. According to the city historian, 906 W. Mission is listed on the City of Santa Barbara Potential Historic Structures and Sites List. The Potential List contains buildings that have been identified as being likely to qualify for historic designation as either a Landmark or Structure of Merit should the property owner wish to pursue designation. (See Attachment B)

In appealing this decision, I am asking you to make sure accurate information is required and made available to the public and to the design review boards and that design review decisions are made in a transparent and ethical manner.

I intend to submit additional documenting evidence to the City Council prior to the hearing of this appeal.

Sincerely.

Pam Brandon 905 W. Mission St.

Santa Barbara, CA 93101

805.451.1802

PamBrandon@cox.net

Attachment A

Santa Barbara Municipal Code

28.18.060 Setback, Open Yard, and Private Outdoor Living Space Requirements.

- B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:
- 1. Buildings and structures other than covered parking: 6 feet
- 2. Covered or uncovered parking: 3 feet

28.18.075 Lot Area and Frontage Requirements.

- 2. Private Storage Space. Each dwelling unit shall have at least 200 cubic feet of enclosed, weatherproof, lockable, and separate storage space in addition to the guest, linen, pantry, and clothes closets customarily provided exclusively for the use of the occupants of the dwelling unit. Such storage space shall be accessible from the exterior of the unit for which it is provided. 483 rev. 9/30/08
- 3. Accessory Unit Parking Requirements. Notwithstanding the parking requirements established for Two-Family Dwelling units on standard-sized lots in excess of 6,000 square feet as provided in Paragraph (2) of Subsection (G) of Section 28.90.100, a two dwelling unit development that meets the criteria delineated in this subsection shall provide not less than two (2) covered and one (1) uncovered parking spaces. Two of such parking spaces shall be allocated to the larger unit and the remaining space shall be allocated to the smaller unit through the use of appropriate signage on the site. Any such uncovered parking space may be provided in a tandem parking arrangement provided that both of the tandem parking spaces are allocated to the larger dwelling unit. Tandem parking spaces may be constructed within a non-conforming interior setback area under circumstances where the setback of the parking area remains consistent with the setback of a pre-existing non-conforming garage structure. The Community Development Director may require the recordation of a parking site plan in the official records of Santa Barbara County with respect to the lot involved for the purposes of memorializing the permanent use and availability of the required parking spaces as allocated to each permitted dwelling unit.

ATTACHMENT B

The following are excerpts from the Municipal Code and the ABR Guidelines. Specific text is highlighted that shows, by approving these design plans, the ABR failed to follow the ABR Guidelines and the Municipal Code.

SANTA BARBARA MUNICIPAL CODE Chapter 22.68

ARCHITECTURAL BOARD OF REVIEW

22.68.045 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Architectural Board of Review and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Architectural Board of Review when it reviews and approves or disapproves the design of a proposed development project in a noticed public

hearing pursuant to the requirements of Chapter 22.68.

1. Compliance with City Charter and Municipal Code: Consistency with Design Guidelines. Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the project

appropriate for its location and its neighborhood?

4. Sensitivity to Adjacent Landmarks and Historic Resources. Is the design of the project appropriately sensitive to adjacent Federal. State, and City Landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. Public Views of the Ocean and Mountains. Does the design of the project respond appropriately to

established scenic public vistas?

6. Use of Open Space and Landscaping. Does the project include an appropriate amount of open space and landscaping?

Excerpts from Architectural Board of Review Guidelines

- 9.2 R-2 (Two Family) Zone Accessory Dwelling Units. Review of accessory dwelling units proposed on lots with a total lot area of between 5,000 and 6,000 square feet in the R-2 Zone shall be guided by the following. Also, note landscaping guidelines specific to the R-2 zone in the ABR Landscaping Guidelines.
 - A Accessory Dwelling Units shall be reviewed for neighborhood compatibility and neighborhood character preservation.
 - B. Encourage existing building preservation when feasible.
 - C. Consider second-story window placement in relationship to neighboring buildings to preserve the privacy of existing uses on neighboring parcels.
 - D. Fencing or barriers consistent with zoning shall be required along driveways to prevent parking on front yards.

Continued Attachment B – Excerpts from the ABR Guidelines

SECTION 1 Site and Surrounding Area Considerations

- Relation to Site. Buildings should be designed to relate to the site's existing landforms and contours and to present an integrated appearance. Over-building of a site may be considered grounds for project denial.
- 1.2 Area Compatibility Commercial and Multi-Family Residential.
 - A. General. In areas which possess examples of distinctive architecture, structures and additions should present a harmonious character to not clash or exhibit discord with the particular surrounding area in which they are placed. Structure elements should be consistent with the best elements that distinguish the particular area in which they are proposed. These elements include, but are not limited to:
 - volume
 - size

- massing
- proportion
- scale
- bulk

- rooflines
- colors.
- textures
- materials

Consideration of the existing setback and patterns of development in the particular area can also be important.

- B. Areas without Distinctive Architecture. In areas which do not possess examples of distinctive architecture, structures and additions should be designed to lead the area toward designs which are harmonious with Santa Barbara's distinctive built environment.
- C. Transitional Areas. When a project is within close proximity to a landmark district consideration may be given to that district's guidelines (SBMC 22.22.100 B). In these areas, project design should promote a smooth transition from one usage area or architectural style to the next. Special attention to consistency with the City's Urban Design Guidelines is recommended.
- D. Landmarks or Structures of Merit. Projects within close proximity to a landmark or structure of merit should be sympathetic to the existing context of the landmark or structure of merit.

SECTION 2 SECTION 2 Architectural Imagery

- 2.1 Building Design Compatibility and Consistency. Buildings shall demonstrate compatibility in materials and consistency in style throughout exterior elevations. Building components such as windows, doors, arches and parapets should have proportions appropriate to the architecture. Additions should relate to the existing building in design, details, colors, and materials.
- 2.2 Architectural Styles. The ABR does not mandate required architectural styles for specific areas or locations; however, consideration should be given to several factors that influence the ABR's preference concerning proposed architectural styles. Factors such as an area's prevailing architectural styles, area compatibility and structure visibility are factors which should be considered. One of the ABR's stated goals is to encourage the preservation of pre-1925 and Hispanic styles of architecture. In addition, traditional architectural styles based on the City's Hispanic tradition are preferred at highly visible locations such as: gateway or entry points into the City, hillside development, and locations in close proximity to El Pueblo Viejo Landmark District.

Attachment C

From: Clay Aurell Subject: 903 W. Mission

Date: April 27, 2011 12:14:44 PM PDT

To: Kelly Brodison, Danny Kato, Tony Boughman

Cc: Anthon Ellis <anthon@aureliblumer.com>, Josh Blumer <josh@aureliblumer.com>

Kelly -

Heidi's project is going back to ABR next Monday. We are on the Agenda for 7.30pm. Per our previous discussion, I am requesting that staff be present to ask questions regarding the reason why the project is back before them. I would request that staff take the position that you have thus far, that being in support of the project. I am sure that ABR will have several questions about why the preliminary approval and the final approval were revoked after the board gave it Final Approval on March 7, 2011.

I would like to make sure that ABR realizes that this was unfortunate oversight by Staff during the previous review of the project which the neighbor brought to light at the last hearing. We are requesting PROJECT DESIGN APPROVAL and FINAL APPROVAL which is currently NOT reflected on the agenda for ABR. Furthermore, Staff should re-assure that there are no other issues to resolve and that this project is ready for and SHOULD receive Final Approval based on the fact that the design is consistent with what they previously approved.

Please confirm that staff will continue to support our project and be there to clearly layout why this project is back on the agenda and that they can give and should give it PDA and Final. I don't want any opportunity for PDA to be appealed and then go back for Final. Heidi was very upset about this and is very concerned.

Thank you,

CLAY AURELL
ata:ncarb.leed ap
principalARCHITECT

AB design studio, inc.
27 E. COTA STREET, SUITE 503
SANTA BARBARA, CALIFORNIA 93101
[O]805.963.2100 [F]805.963.2300 [C]805.452.7522
WWW.ABBESIGNSTUDIOINC.COM

Please consider the environment before printing this e-mail

Activities:

Mr. Clay Aurell AB Design Studio 27 E. Cota Street, Suite 503 Santa Barbara, CA 93101

SUBJECT: 903 W. Mission Street, MST#2009-00388, Revocation of Design Review Approval

Dear Mr. Aurell:

The purpose of this letter is to formalize the revocation of the Design Review Approval of the above-referenced project. The discretionary applications granted for this project are modifications to permit construction of the garage within the required 20 foot front setback and a modification to provide less than the required Common Open Yard area of 600 square feet. The project received approval from the Staff Hearing Officer on July 28, 2010 and on appeal at the City Council on October 19, 2010. The project received a Preliminary Approval from the Architectural Board of Review on August 23, 2010 and, a Final Approval on March 27, 2011. Although a modification was approved to allow less than the required 600 square feet of common open yard, there was an area of 375 square feet behind the garage that was intended to comply with the ordinance. Unfortunately, Staff overlooked the second story cantilever above this portion of the required common open yard area. By definition in the ordinance (SBMC §28.04.715) yard is an open space, on a lot or parcel of land, unoccupied and unobstructed from the ground upward.

Therefore, this project, as designed, does not comply with the ordinance and a modification is required to allow the second story to cantilever over the required common yard. Staff is not inclined to support a modification and recommends revising the project to provide a conforming site design.

Based on this information, the Preliminary Approval that was given to the project on Monday, March 7th, and the Final Approval of March 27, 2011, are considered "void". The modifications remain valid. You may return to the ABR with a conforming design and pursue a new Project Design Approval and Final Approval.

Sincerely,

Kelly Brodison

Kelly Brodison Assistant Planner

cc: Heidi Ferguson, 903 W. Mission Street, Santa Barbara, CA 93101 Jaime Limon, Design Review and Historic Preservation Supervisor Planning File

3/7/2011

ABR-Final Approval - Project

3/7/2011

ABR-Final Review Hearing

(Project requires compliance with Staff Hearing Officer Resolution No. 041-10.)

NOTICE:

- 1. On Thursday, March 17, 2011, this Agenda was duly posted on the indoor and outdoor bulletin boards at the Community Development Department, 630 Garden Street, and online at www.SantaBarbaraCa.gov/abr.
- 2. This regular meeting of the Architectural Board of Review will be broadcast live on City TV-18, or on your computer via http://www.santabarbaraca.gov/Government/Video/ and then clicking City TV-18 Live Broadcast. City TV-18 will also rebroadcast this meeting in its entirety on Wednesday at Noon and the following Monday at 9:00 a.m. An archived video copy of this meeting will be viewable on computers with high speed internet access the following Wednesday at www.santabarbaraca.gov/abr and then clicking Online Meetings.

GENERAL BUSINESS:

The Full Board meeting was called to order at 3:09 by Vice-Chair Sherry.

Members present:

Aurell, Manson-Hing (arrived at 3:25), Mosel, Rivera, Sherry

Members absent:

Gilliland, Zink

Staff present:

Boughman, Shafer

- A. Public Comment: No public comment.
- B. Approval of the minutes of the Architectural Board of Review meeting of March 7, 2011.

Motion: Approval of the minutes of the Architectural Board of Review meeting of March 7, 2011, as

amended / submitted.

Action: Aurell/Rivera, 4/0/0. Motion carried. (Gilliland, Manson-Hing, and Zink absent)

C. Consent Calendar.

Motion: Ratify the Consent Calendar of March 14, 2011. The Consent Calendar was reviewed by

Keith Rivera with landscaping reviewed by Chris Gilliland.

Action: Aurell/Mosel, 4/0/0. Motion carried. (Gilliland, Manson-Hing, and Zink absent)

Motion: Ratify the Consent Calendar of March 21, 2011. The Consent Calendar was reviewed by

Keith Rivera.

Action: Aurell/Mosel, 4/0/0. Motion carried. (Gilliland, Manson-Hing, and Zink absent)

- D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.
 - 1. Mr. Boughman made the following announcements:
 - a) Item 1, 336 N. Milpas Street, is postponed two weeks at applicant's request.
 - b) Members Gilliland and Zink are absent. Chair Manson-Hing will arrive late.
 - c) Member Zink attended the Planning Commission hearing for Highway 101 on Thursday, March 17. The Coastal Development Permit was approved and the project will be returning to ABR; Mr. Boughman requested that board members review the Planning Commission meeting video.
 - 2. Kelly Brodison, case planner, reported that the Final Approval by the ABR on March 7, 2011 for the project at 903 West Mission Street is deemed void, as well as the project's Preliminary Approval. It was brought to staff's attention by the adjacent neighbor that the project's proposed second-story cantilever over the required open yard does not comply with the Zoning Ordinance.
 - Member Sherry reported that she will step down from Item #4, 602 Anacapa Street.

NOTICE:

- A. On Thursday, May 12, 2011, this Agenda was duly posted on the indoor and outdoor bulletin boards at the Community Development Department, 630 Garden Street, and online at www.SantaBarbaraCa.gov/abr.
- B. This regular meeting of the Architectural Board of Review will be broadcast live on City TV-18, or on your computer via http://www.santabarbaraca.gov/Government/Video/ and then clicking City TV-18 Live Broadcast. City TV-18 will also rebroadcast this meeting in its entirety on Wednesday at Noon and the following Monday at 9:00 a.m. An archived video copy of this meeting will be viewable on computers with high speed internet access the following Wednesday at www.santabarbaraca.gov/abr and then clicking Online Meetings.

GENERAL BUSINESS:

- A. Public Comment: Any member of the public may address the Architectural Board of Review for up to two minutes on any subject within their jurisdiction that is not scheduled for a public discussion before the Board on that day. The total time for this item is ten minutes. (Public comment for items scheduled on today's agenda will be taken at the time the item is heard.)
- B. Approval of the minutes of the Architectural Board of Review meeting of Monday, May 2, 2011.
- C. Consent Calendar of May 16, 2011.
- D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.
- E. Subcommittee Reports.

FINAL REVIEW

903 W MISSION ST

R-2 Zone

(3:10)

Assessor's Parcel Number:

043-113-009

Application Number:

MST2009-00388 Heidi Feguson

Owner:

AB Design Studio

Architect:

Kenneth & Harbaugh

(Revised proposal to construct a new 525 square foot second-story accessory dwelling unit above a new 623 square foot, three-car garage on a 5,000 square foot lot. The proposal includes demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The project requires Staff Hearing Officer review for a requested zoning modification to provide less than the required 600 square feet of open yard and to allow the garage to encroach into

(Project was last reviewed on March 7, 2011.)

the required 20-foot front-yard setback.)

Note from Appellant: As you see here, there is no mention of the preliminary and final approvals being voided, which was announced at the March 21 ABR meeting.

File Code No.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE:

October 19, 2010

TO:

Mayor and Councilmembers

FROM:

Planning Division, Community Development Department

SUBJECT:

Appeal Of Architectural Board Of Review Approval Of 903 West

Mission Street

RECOMMENDATION: That Council deny the appeal of Pamela Brandon and support the Architectural Board of Review's Preliminary Approval of the proposed accessory dwelling unit and new garage.

DISCUSSION:

Project Description

The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of an existing 317 square foot non-conforming garage, an addition of a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage on a 5,000 square foot lot that is currently developed with an 844 square foot single family residence and a 317 square foot detached garage.

Project History

On July 28, 2010, the Staff Hearing Officer (SHO) reviewed and approved two modifications to permit construction of a new garage within the required 20 foot front setback along Gillespie Street (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3). The SHO Resolution #041-01 is attached as Attachment 2.

On August 23, 2010, the Architectural Board of Review (ABR) granted Preliminary Approval by a vote of 3/1/0 of an application for the design review of an accessory dwelling unit above a new garage. The ABR minutes are attached as Attachment 3.

On September 2, 2010, an appeal of the ABR Preliminary Approval was filed by the adjacent neighbor, Pamela Brandon residing at 905 W. Mission Street (Attachment 1). The appeal asserts that the project design is not consistent with the surrounding neighborhood, the project is not consistent with the Zoning Ordinance, and that the project negatively affects the appellant's property values.

Although the ABR's Preliminary Approval of the proposed project has been appealed, the appellant did not appeal the Staff Hearing Officer's decision to approve the modifications.

Council Agenda Report
Appeal Of Architectural Board Of Review Approval Of 903 West Mission Street
October 19, 2010
Page 2

APPEAL ISSUES

Neighborhood Compatibility

The appellant states that the modern style of architecture is not consistent with the surrounding neighborhood.

The ABR has reviewed the proposal on four occasions (Attachment 3). The first two times the project was reviewed, the ABR took issue with the lack of neighborhood compatibility and the overall style. The Board requested that the applicant reduce roof pitches and ridge heights and asked the applicant to study a design that was more compatible in style, massing, and materials with the surrounding neighborhood. The Board was not fully supportive of the modification to provide less than the 600 square feet of required open yard because the presentation seemed too aggressive for the lot.

On May 17, 2010, the project returned to the ABR with a revised proposal that incorporated changes to the overall design aesthetic, roof forms and building materials. The height of the second story addition was reduced by approximately 5', which in turn reduced the overall mass and bulk of the project. The revisions to the architectural style accomplished a more cohesive proposal and resulted in a reduction in the overall scale of the building that was problematic in the previous design. The Board was in support of the modern architectural style in this eclectic neighborhood as modernism is part of the eclectic mix.

The Board thoroughly reviewed the modification requests and supported the modification for the new garage to encroach 18" into the front setback because it enabled a more usable private space in the back yard and because the plain of the garage is set back from the existing house on site and the structure would not protrude beyond the existing structure on site. The Board supported the modification to provide less than required common area of 600 square feet because of the size of the lot, narrow width and its location on a corner. The Board appreciated the change in architectural design. Satisfied with the revised design, the Board forwarded the project to the Staff Hearing Officer.

One Board member felt that, although this architectural style is seen throughout the City, this proposed design was out of context with the overall neighborhood.

Subsequently, the project was reviewed by the Staff Hearing Officer on July 28, 2010. The appellant, Pam Brandon spoke at the public hearing and voiced her concerns about loss of privacy and reduced property value and suggested having a skylight in lieu of, or relocating, the window overlooking her backyard. The Staff Hearing Officer approved the project with the added condition that the ABR would review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

The project returned to the ABR for Preliminary Review and at that time the applicant proposed clerestory windows so that the new accessory dwelling unit could still receive light from the north while still addressing the privacy concerns of the adjacent neighbor. The ABR granted a Preliminary Approval with comments regarding building materials.

Council Agenda Report Appeal Of Architectural Board Of Review Approval Of 903 West Mission Street October 19, 2010 Page 3

The ABR stated that the introduction of clerestory windows on the second story sufficiently addressed the privacy concerns from the adjacent neighbor. (See Attachment 5)

Zoning Ordinance Consistency

The appellant asserts that the project does not comply with the Municipal Code for accessory dwelling units and that the property is less than 5,000 square feet as required per SBMC §28.18.075.E.

The subject property's dimensions are 50' x 100' per the County of Santa Barbara Assessor's Map and therefore, the size of the lot is 5,000 square feet which, is consistent with the requirements for an accessory dwelling unit.

As summarized in the attached Staff Hearing Officer Staff Report (Attachment 2) dated July 21, 2010, with the approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan.

As of the writing of this report, no other inconsistencies have been alleged by the appellant.

Second Story Window

The appellant states that the approved project negatively affects her property values, because allowing a window on the second story facing west, will encroach upon her privacy.

The applicant proposes a clerestory window that is 7'-6" above the finished floor of the second story (Attachment 5). The ABR stated at the last meeting that the applicant's privacy concerns had been adequately addressed. Staff believes that the clerestory window does not result in a privacy issue.

The proposed clerestory windows are compatible with the proposed modern architectural style; however, if the project were to be revised to a more traditional style, it could result in windows that may actually impact the appellant's privacy.

Additionally, the required interior yard setback is three feet for parking structures, and six feet for the second story. As currently proposed, the garage is set back 10' from the property line and the second story is setback 7.5'. Allowing the building to encroach 18" into the front yard provides an additional buffer between the new structure and the neighbor's property and aids in preserving privacy between the two properties.

CONCLUSION:

The proposed project has undergone a thorough review by staff, the ABR and the Staff Hearing Officer. It is staff's position that appropriate consideration has been given to the appellant's issues as part of the Architectural Board of Review and Staff Hearing Officer review process, the project is compatible with the neighborhood, the project is consistent

Council Agenda Report Appeal Of Architectural Board Of Review Approval Of 903 West Mission Street October 19, 2010 Page 4

with the Zoning Ordinance, and the proposed clerestory window does not impact the appellant's privacy.

NOTE:

Attachment 5, Project Plans, has been sent separately to Mayor and

Council, and is available for public review in the City Clerk's office.

ATTACHMENTS:

1. Appellant's letter dated September 2, 2010

2. Staff Hearing Officer Staff Report, Minutes and Resolution

#041-10

3. ABR minutes SEE ATTACHNEN'S OF 8-23-11 CAR

4. Section showing second story clerestory window

5. Project Plans

PREPARED BY:

Kelly Brodison, Assistant Planner

SUBMITTED BY:

Paul Casey, Assistant City Administrator/Community

Development Director

APPROVED BY:

City Administrator's Office

RECEIVED

September 02, 2010

2010 SEP -2 AM 11: 12

CITY OF SANTA DAPBARA

Dear City Council,

This letter appeals the decision of the ABR from the August 23, 2010 meeting in which the board voted 4 to 1 for the Preliminary Approval for 903 W. Mission St., case MST2009-00388. Only 5 ABR members voted because 2 of the ABR members stepped down from voting due to the fact that they are the architect and landscape architect working on the 903 W. Mission Street project.

As recommended by the City Clerk's office, I will keep my reasons for the appeal brief in this letter. My appeal is based on the following:

1) The design plans that were approved are not in keeping with the neighborhood style and character. The proposed plan is for a pre-fab metal building with a modern style, which is not a style within our neighborhood.

According to the Santa Barbara Municipal Code, one of the criteria that should be looked at by the ABR when it reviews and approves or disapproves the design of a proposed development project is the following question: "Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?"

- 2) As I've looked through the file at the city Planning & Zoning Department for this property, I have discovered substantive inaccuracies. For example, according to city and county records this property is under 5000 square feet. According to the Santa Barbara Municipal Code, accessory dwelling units are allowed on certain R-2 lots with a total lot area of between 5,000 and 6,000 square feet. See attachment for the city and county records regarding 903 W. Mission Street's lot size. I am preparing a detailed presentation to show these inaccuracies at the appeal meeting. I ask you to enforce that accurate information be used to make a decision about modification requests and design plans that come before the city, including this project.
- 3) This project negatively affects my property value. This project did not fit within the standard rules of the Municipal Code for allowing a second dwelling unit, so the property owner of 903 W. Mission St. had to apply for modifications. The city approved the modifications. Then, the ABR gave preliminary approval to plans that further devalue my property. The city, through those approvals, has given that property a huge boost in property value while bringing my property value down.

My realtor gave her expert opinion to the ABR and the Staff Hearing Officer about the negative affect on my property value due to the modification approval and the design plans. If the city allows this second story dwelling unit, then I would ask that you help minimize the further loss of value on my property by requiring the design to fit within the neighborhood and to not allow any windows on the second story that face into my private backyard, unnecessarily invading my property's privacy. If future buyers of my property walk into my backyard and look up to see a 13'(thirteen feet) wide window peering down on them, it will negatively affect their interest in buying my property.

From my first notification of this project (which was the notice of a public hearing for the Staff Hearing Officer) I tried to talk to my neighbor and work through my blggest concerns even up to the day before submitting this letter, trying to reach an agreement. I would have much preferred to work this out between neighbors rather than both of us having to spend time and money contesting this.

I intend to submit additional documenting evidence to the City Council prior to the hearing of this appeal.

Sincerely,

Pam Brandon

905 W. Mission St.

Santa Barbara, CA 93101

Ham Brandon

805.451.1802

PamBrandon@cox.net

Attachment

Ilome Government Residents Business Visitors Contact Us >>

THE CITY OF SAINTA: BARBARA

From the Contact Department of th

Parcel Lookup Results - Details

ercel Details	Back
Parcel Address:	903 W MISSION ST
Parcel Number:	043-113-009
Zone District:	R-2
General Plan Neighborhood:	Westside: Westside
Lot Size (from County Assessor's Rolls:	0.11 Acres
Lot Size (Estimate from City's GIS System):	4,975.35 Square Feet
Slope (Estimate from City's GIS System):	1%
High Fire Area:	No

Parcel Tags



STAFF HEARING OFFICER STAFF REPORT

REPORT DATE:

July 21, 2010

AGENDA DATE:

July 28, 2010

PROJECT ADDRESS: 903 W. Mission Street (MST2009-00388)

TO:

Staff Hearing Officer

FROM:

Planning Division, (805) 564-5470

Renee Brooke, AICP, Senior Planner

Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

SITE INFORMATION AND PROJECT STATISTICS III.

SITE INFORMATION A.

Applicant: AB Design Studio, Inc.

Property Owner: Heidi Ferguson

Parcel Number: 043-113-009

Lot Area:

5,000 sq. ft.

General Plan:

Zoning:

R-2

Existing Use:

Topography: One-Family Residence

Flat

Adjacent Land Uses:

North – One-Family Residence

East - One-Family Residence

South – One-Family Residence

West – One-Family Residence

STAFF HEARING OFFICER STAFF REPORT 903 W. MISSION STREET(MST2009-00388) JULY 21, 2010 PAGE 2

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	844 sf	557 sf addition = 1,401 sf
Garage	317 sf	623 sf

C. PROPOSED LOT AREA COVERAGE

Building: 1,999 sf 40% Hardscape: 513 sf 10% Landscape: 2,488 sf 50%

IV. DISCUSSION

The subject property is located on the corner of West Mission and Gillespie Streets and therefore, has two front yard setbacks. The proposed project involves the construction of an accessory dwelling unit above a new 623 square foot three-car garage. Modification approvals are required for a new garage to be located within the required 20-foot front setback and to provide less than the required common open yard area of 600 square feet.

The existing 317 square foot garage is non-conforming to size and encroaches within the interior setback. The new garage is proposed to provide a third covered parking spot for the accessory dwelling unit, and would comply with the interior setbacks. However, in order to provide the required 10 foot width for the common open yard at the rear of the lot and the required 20' minimum interior depth of the garage, the applicant is requesting a modification for the garage to encroach approximately 18" into the 20' front setback on Gillespie Street. Staff's position is that requiring the garage to meet the 20' setback for garages facing the street would not benefit the project and would, in fact create the need for a modification of the common open yard minimum dimensions. Transportation Staff has reviewed the proposal, and prefers the requested encroachment into the front setback instead of reducing the interior depth of the garage by 18", because 12" of the encroachment is due to the thickness of the walls of the garage. The length of the area in front of the garage door is 19.5', which meets Transportation Division standards.

Two dwelling units are allowed on this 5,000 square foot lot in the R-2 Zone, with the special provisions for accessory dwelling units. Common open yard on lots developed with accessory dwelling units requires that the open yard may be provided in one area of at least 600 square feet or two areas, each of which must be at least 300 square feet, each with a minimum dimension of 10'x10'. The existing house is situated on the lot in such a way that that neither of these open space requirements can be met and additionally, the lot is constrained with two front setbacks. However, the project does meet the locational requirements for the open yard and provides one area of 375 square feet for the new unit residence, two areas of 237 and 130 square feet, each meeting the 10'x10' minimum dimension, for the existing residence. Additionally, the project meets the requirements for the private outdoor living space for both units as well as provides areas for enjoyment of the yard. Although the minimum area of 300 feet is not being met for the front unit, it is Staff's position that adequate open yard is being provided.

STAFF HEARING OFFICER STAFF REPORT 903 W. MISSION STREET(MST2009-00388) JULY 21, 2010 PAGE 3

V. FINDINGS AND CONDITION

The Staff Hearing Officer finds that the front setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Staff Hearing Officer finds that the Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

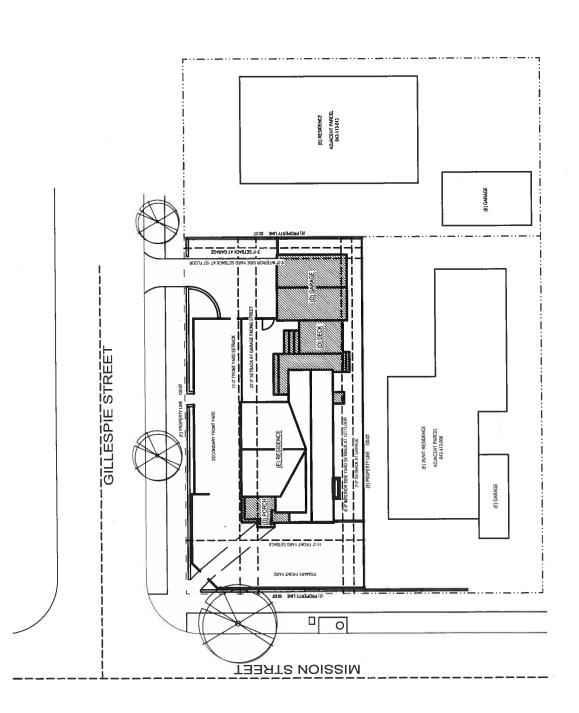
Said approval is subject to a condition that all construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department.

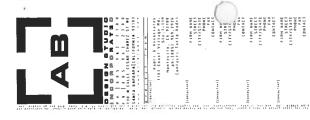
Exhibits:

- A. Site Plan
- B. Applicant's letter, dated June 7, 2010
- C. ABR Minutes S'EE ATTACHMENT3 OF 8-23-11 CAR

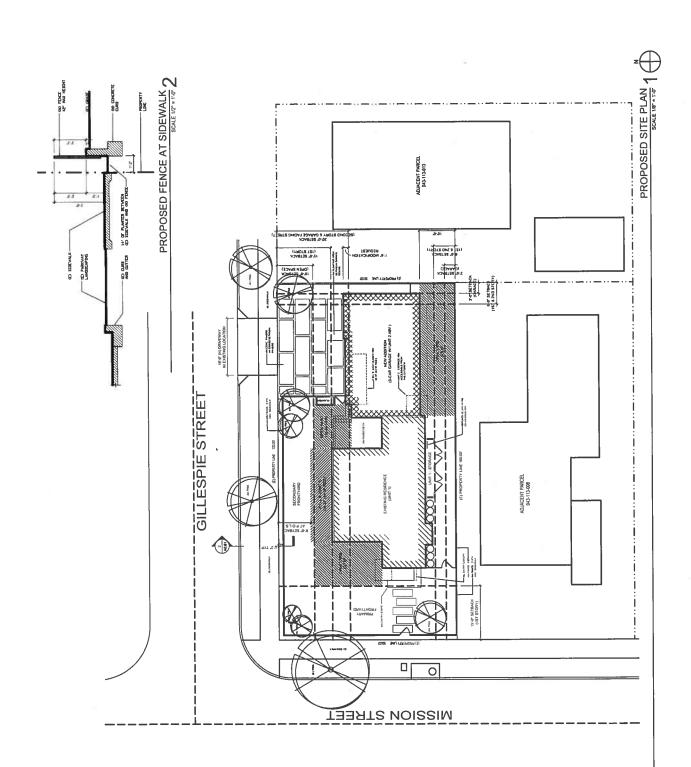
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EXISTING/DEMO SITE PLAN SOLE 187 = 1-07









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keynotes

903 WEST MISSION

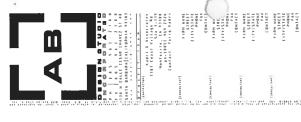
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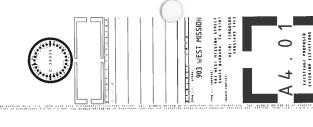
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PROPOSED SECOND FLOOR PLAN

(N) UNIT-2 LIVING ROOM

keynotes





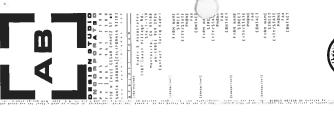
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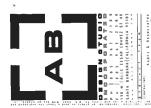
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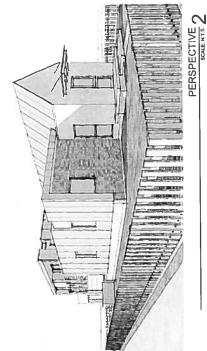
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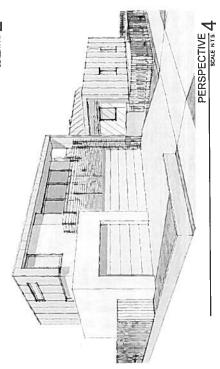
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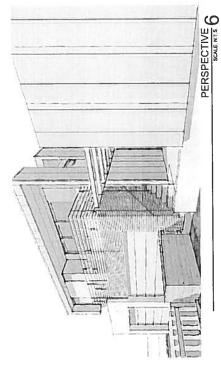


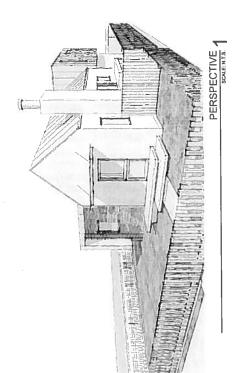


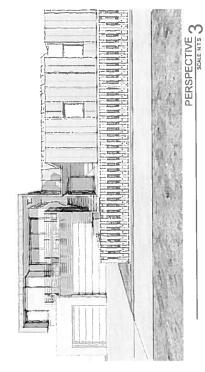
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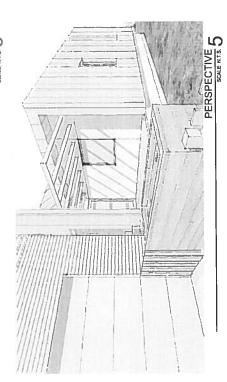














MODIFICATIONS LETTER

June 7, 2010

Roxanne Milazzo City Of Santa Barbara 630 Garden Street Santa Barbara, CA 93101

Subject: 903 W. Mission

Modification Request

APN: 043.113.009; Land-use Zone R-2

Via: H

Hand Delivered

Dear Staff Hearing Officer

1. There is an existing single-family residence of 844 sf with a detached non-conforming two-car garage of 317 sf on the above referenced property. The property is a corner lot and thus has two front yard setbacks to the Easterly and Northerly. The existing detached non-conforming two-car garage encroaches into the interior yard setback on the Southerly side of the property. All buildings on the lot have building permits. There are no existing enforcement cases open.

The proposal is to add a new 3-car garage with a 525 sf accessory unit above. The existing single-story home will be remodeled on the exterior, the interior will remain as-is. As part of this proposal, the existing non-conforming garage will be removed. A new garage, conforming with interior dimension requirements will be constructed outside of the interior yard setback on the Southerly side of the lot. This garage will be connected to the existing residence. To conform with open yard requirements on this restricted lot, the front face of the garage will encroach into the 20 foot setback, 18".

- 2. There are two modifications being requested. The first is to allow the new conforming three-car garage to encroach into the front yard setback on the Easterly side (Gillespie) of the lot. The setback for the home is 15 feet, but garages that face streets are to be setback 20 feet. This minor encroachment will allow for a usable open space complying with City Standards to be located behind the new garage. There are other homes (across the street and on the same block) that encroach considerably more than 18". The face of the garage will remaining behind the face of the existing residence.
- 3. The second modification is necessary to allow the required 600 sf of open yard to be split into two areas. The first area is behind the new garage and totals 375 sf, which complies. The second area is located in the Front Yard and is 237 sf, which does not comply. The Code states that 600 sf is the minimum and can be split into two 300 sf areas on the site. Because our lot is hindered by two front yards and the location of the existing home, we cannot have the other area be larger than 300 sf. This area, however is in the front of the home and adjacent to over 2000 sf of open yard protected by the Setbacks on each street. The area will not be fenced in. This is a common modification for older homes on smaller corner lots with two front yards.

1 of 2

1006 001523

Johnson /

4. These two Modifications allow the homeowner to build a project that fits her needs. They are minor in nature and supported by ABR. There is precedence in the neighborhood of recent projects that have street facing garages encroaching into the front yard setback. There are also several two unit and multi-unit properties on this block on small 5,000 sf lots.

Because this lot has two front yard setbacks, it is impossible for this property to comply with the required 1250 sf open yard requirement for single family. The mod we are requesting for the open yard will not impact the neighborhood, make the home imposing or have an adverse affect on the existing site. The is still ample usable open space that exists today and will remain in perpetuity with this addition. We are actually creating MORE useable open yard for the residents by splitting it up and moving the garage forward.

We feel that this is an appropriate solution in that the addition to the home is consistent with the neighborhood. We have met with many of the neighbors who support the project and modifications. The changes to the exterior will bring this home current and the home owners will be able to raise their family and enjoy it for the next 30 years.

Sincerely,

Clay Aurell, AIA, LEED AP

Principal Architect

CA:ca

CC:

Heidi Ferguson

ACTUAL TIME: 10:05 A.M.

C. <u>APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDIFERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)</u>

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC §28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 and 15305.

Present: Clay Aurell, Architect, AB Design Studio; Heidi Ferguson, Owner.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

Three letters in opposition from Pam Brandon, Brandon Smith and Paula Westbury were acknowledged.

The Public Hearing was opened at 10:26 a.m.

Pam Brandon next door neighbor: concerned about loss of privacy and reduced property value; suggested having a skylight in lieu of, or relocating, the window overlooking her backyard.

Mimi Greenberg: opposed to Ms. Brandon's loss of privacy (submitted written comments).

The Public Hearing was closed at 10:33.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Staff Hearing Officer Minutes July 28, 2010 Page 6

ACTION:

Assigned Resolution No. 041-10

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The ABR shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

III. ADJOURNMENT

vis. Reardon adjourned the meeting at 10:41 a.m.
Submitted by,
Gloria Shafer, Staff Hearing Officer Secretary



CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 041-10 903 W. MISSION DRIVE MODIFICATIONS JULY 28, 2010

APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 and 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, two people appeared to speak in opposition of the application, and no people appeared to speak in favor thereto, and the following exhibits were presented for the record:

- 1. Staff Report with Attachments, July 21, 2010.
- 2. Site Plans
- 3. Correspondence received in opposition to the project:
 - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the subject application making the following findings and determinations:

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

STAFF HEARING OFFICER RESOLUTION No. 041–10 903 W. MISSION DRIVE JULY 28, 2010 PAGE 2

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

II. Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The Architectural Board of Review shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

This motion was passed and adopted on the 28th day of July, 2010 by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.

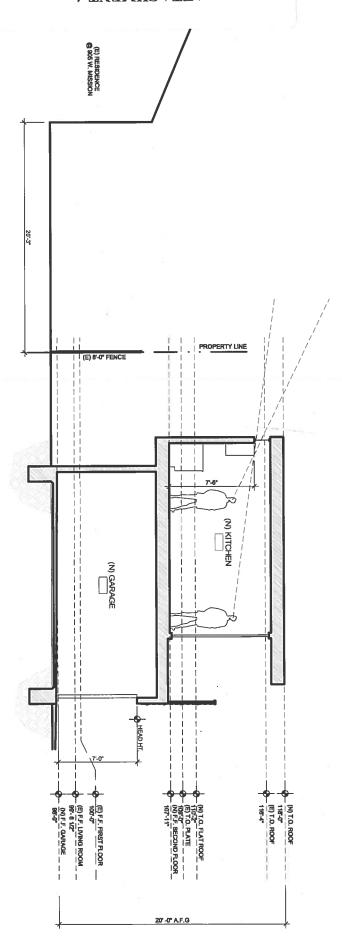
Gloria Shafer, Staff Hearing Officer Secretary

Date

STAFF HEARING OFFICER RESOLUTION No. 041–10 903 W. MISSION DRIVE JULY 28, 2010 PAGE 3

PLEASE BE ADVISED:

- 1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
- 2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
- 3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
- 4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
- 5. PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
- 6. NOTICE OF APPROVAL TIME LIMITS: The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.



ATTACHMENT 3



ARCHITECTURAL BOARD OF REVIEW CASE SUMMARY

903 W MISSION ST

MST2009-00388

R-NEW UNIT Page: 1

Project Description:

Revised proposal to construct a new 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage on a 5,000 square foot lot. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The project requires Staff Hearing Officer review for a requested zoning modification to provide less than the required 600 square feet of open yard and to allow the garage to encroach into the required 20 foot front-yard setback.

Activities:

5/16/2011

ABR-Project Design & Final Hrg

(Project was last reviewed on March 7, 2011.)

Actual time: 3:07

Present: Josh Blummer and Anthon Ellis, AB Design Studio; Heidi Ferguson, Owner.

Public comment was opened at 3:19 p.m.

Mercedes Greenburg, Mimi Greenburg, David Jenkins ceded their speaking time to Pam Brandon.

- 1. Pam Brandon, opposed to reinstatement of the previously voided project design approval, lack of new noticing, storage space in garage is located within setback, and lack of neighborhood compatibility (submitted a petition containing signatures of 40 neighbors opposed to the project).
- 2. Sue Young, spoke in support of the project. Ms. Young stated that 76 signatures in support of the project were obtained (signatures were not submitted).
- 3. Diane Soto, representing Upper Westside Neighborhood Association, spoke in opposition to the lack of neighborhood compatibility (submitted a letter containing nine signatures of neighbors opposed to the project).
- 4. Wayne Dorfman, opposed to lack of compatibility of the proposed materials and lack of neighborhood compatibility.
- 5. Russell Clay Ruiz, opposed to erosion of the neighborhood's Spanish style architecture.
- 6. Kellam DeForest, opposed to the industrial style and the metal material's incompatibility with the neighborhood.

Mr. Boughman acknowledged nine letters received in support and four letters opposed to the project.

Page: 2

Activities:

Public comment was closed at 3:45 p.m.

Kelly Brodison, Assistant Planner provided clarification of the project's previously voided and subsequent reinstated Project Design Approval. Ms. Brodison responded to questions from the Board.

Motion: Final Approval as submitted. Action: Rivera/Sherry, 3/1/1. Motion carried. (Mosel opposed, Zink abstained, Aurell and Gilliland stepped down.)

5/16/2011

ABR-Proj Des & Final Approval

5/10/2011

ABR-Resubmittal Received

plan substitution

5/2/2011

ABR-Project Design & Final Hrg

(Project was last reviewed on March 7, 2011.)

Postponed two weeks at the applicant's request.

4/22/2011

ABR-Resubmittal Received

3 sets for new PDA and FA

4/7/2011

ABR-Correspondence/Contact

March 30, 2011

Mr. Clay Aurell AB Design Studio 27 E. Cota Street, Suite 503 Santa Barbara, CA 93101

SUBJECT: 903 W. Mission Street, MST#2009-00388, Revocation of Design Review Approval

Dear Mr. Aurell:

The purpose of this letter is to formalize the revocation of the Design Review Approval of the above-referenced project. The discretionary applications granted for this project are modifications to permit construction of the garage within the required 20 foot front setback and a modification to provide less than the required Common Open Yard area of 600 square feet. The project received approval from

Page: 3

Activities:

the Staff Hearing Officer on July 28, 2010 and on appeal at the City Council on October 19, 2010. The project received a Preliminary Approval from the Architectural Board of Review on August 23, 2010 and, a Final Approval on March 27, 2011. Although a modification was approved to allow less than the required 600 square feet of common open yard, there was an area of 375 square feet behind the garage that was intended to comply with the ordinance. Unfortunately, Staff overlooked the second story cantilever above this portion of the required common open yard area. By definition in the ordinance (SBMC §28.04.715) yard is an open space, on a lot or parcel of land, unoccupied and unobstructed from the ground upward.

Therefore, this project, as designed, does not comply with the ordinance and a modification is required to allow the second story to cantilever over the required common yard. Staff is not inclined to support a modification and recommends revising the project to provide a conforming site design.

Based on this information, the Preliminary Approval that was given to the project on Monday, March 7th, and the Final Approval of March 27, 2011, are considered "void". The modifications remain valid. You may return to the ABR with a conforming design and pursue a new Project Design Approval and Final Approval.

Sincerely,

Kelly Brodison

Kelly Brodison Assistant Planner

cc: Heidi Ferguson, 903 W. Mission Street, Santa Barbara, CA 93101 Jaime Limon, Design Review and Historic Preservation Supervisor Planning File

3/7/2011

ABR-Final Approval - Project

3/7/2011

ABR-Final Review Hearing

(Project requires compliance with Staff Hearing Officer Resolution No. 041-10.)

Actual time: 5:25

Present: Josh Blumer, Architect, AB Design Studio; Heidi Feguson, Owner; Chris Gilliland, Landscape Architect; Anthon Ellis, AB Design Studio.

Public comment was opened at 5:41 p.m.

David Black, in support of the project.

Pam Brandon, next door neighbor: opposed to the cantilevered area over the open yard not in compliance with City code; concerned about style and metal siding not being compatible with the neighborhood.

Kellam DeForest, opposed to this style in this neighborhood, suggested replacing the metal siding with wood.

Public comment was closed at 5:47 p.m.

Activities:

Motion: Final Approval with the following conditions:

1) Indicate on the plans the fixed dimensions and prohibited enlargement or relocation of the kitchen window, in compliance with City Council Resolution and reproduce Resolution on plans.

2) Confirm that the exterior light fixture provides downcast lighting.

Action: Rivera/Sherry, 3/1/1. Motion carried. (Mosel opposed, Zink abstained, Gilliland and Aurell stepped down)

3/1/2011

ABR-Resubmittal Received

10/19/2010

CC-ABR Appeal Filed

10/19/2010

CC-ABR Appeal (Project APVD)

Project approved (appeal by neighbor was denied).

Motion was to deny the appeal and uphold the approval. The project is to return to ABR with the window size and locations to be a condition of approval and to restudy the project to minimize the height and to study minimizing the 2' cantilever.

8/23/2010

ABR-Prelim Approval - Project

8/23/2010

ABR-Preliminary Review Hearing

(Preliminary approval is requested. Project requires compliance with Staff Hearing Officer Resolution No. 041-10.)

(3:36)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner; Chris Gilliland, Landscape Architect; and Kelly Brodison, Assistant Planner.

The Chair read out to the Board the Staff Hearing Officer Resolution #041-10 requirements.

Public comment opened at 3:49 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Mimi Greenberg (submitted letter as adjacent property owner) in opposition regarding privacy issues and possible decreased property values.
- 2) Pam Brandon, (submitted letter) in opposition regarding previous notification issues, privacy

Activities:

issues, possible decreased property values and solar access.

A letter of concern from Paula Westbury was acknowledged by the Board.

Public comment closed at 3:56 p.m.

Motion: Preliminary Approval and continued indefinitely to Full Board with comments:

1) Reconsider the material choice for the entry canopy.

2) Return with sizable material samples of all final finishes, except the concrete, for a final review; the proposed metal finish is to be non-reflective.

Action: Rivera/Sherry, 3/1/0. Motion carried. (Mosel opposed to architectural style. Aurell and Gilliland stepped down, Zink absent).

8/17/2010 ABR-Resubmittal Received

Rec'd 3 sets for preliminary approval at ABR. Rec'd SHO approval 7/28/10 Reso No 041-10.

7/16/2010

ABR-Posting Sign Issued

5/17/2010 ABR-Concept Review (Continued)

(Third Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for two requested zoning modifications.)

(5:45)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner.

Public comment opened at 6:02 p.m. As no one wished to speak, public comment was closed.

Staff clarified the Alternative Open Yard and Private Outdoor Living Space Requirements, per SBMC 28.18.060.C.3, for proposals involving an accessory dwelling unit.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:

- 1) The Board finds the requested modifications acceptable to achieve the open space, recognizing that it is a small corner lot, which makes it difficult for compliance with standard open space lot requirements.
- 2) The Board is appreciative of the proposed change in architectural design as it reduces the overall mass of the building.
- 3) The Boards finds acceptable the second floor setbacks away from the garage, and the inclusion of the planter element to soften that corner of the building.
- 4) The Board looks forward to refinement of the garage elevation to include secondary architectural elements to add additional scale at the garage doors and the lower wing of the west elevation.

 LANDSCAPING:

Activities:

1) Locate the perimeter fencing five feet back from the existing retaining wall to comply with Ordinance requirements.

2) Study providing a landscape area between the two garage doors.

3) Study introducing a trellis structure on the large garage door to soften with a vine planting.

4) Study incorporating some ground cover relief at the new driveway to be consistent with the character of the neighborhood.

Action: Rivera/Sherry, 4/1/0. Motion carried. (Mosel opposed, Aurell stepped down, Gilliland/Zink absent).

5/12/2010

ABR-FYI/Research

AB Design Studio is the new architect for the project as of May 2010. The project had two concept reviews with the previous architect and is now on the third concept review (5/17) with the new architect.

5/4/2010

ABR-Resubmittal Received

Revised description - updated numbers and mod applications.

12/14/2009

ABR-Concept Review (Continued)

(Second Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for a modification to provide less than the 600 square feet of the required open yard area.)

(7:35)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 7:46 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Christine Cunningham was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) Study reducing the roof pitches on the addition to further reduce the ridge heights.
- 2) Study ways to uniform the style of the building; particularly the window proportions and style, etc.
- 3) Eliminate the long shed roof element on the east and west elevation of the addition.
- 4) Return with building sections and plate heights of the first and second floor.
- 5) Study the eave of the north elevation over the garage.
- 6) Study the wood trellis element over the second story balcony.
- 7) The Board has mixed opinions on the proposed modification, and defers further comment at this time.
- 8) Study introducing dormer elements in the second floor addition to reduce the apparent mass.

Action: Aurell/Gilliland, 5/1/0. Motion carried. (Mosel opposed, Gross/Sherry absent.)

Activities:

12/8/2009

ABR-Resubmittal Received

received three sets for continued concept review. Applicant needs to do arch letter report and go to SHC for open yard mod.

10/5/2009

ABR-Concept Review (New) - PH

(Comments Only; Project requires Environmental Assessment.)

(3:30)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 3:53 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board understands the constraints involved with corner lots; however, the Board feels the project is moving in the wrong direction as it lacks compatibility with both the existing house and the neighborhood.
- 2) Study the overall style for a design that is compatible in style, massing, and materials, and provides neighborhood compatibility and continuity of style throughout the project.
- 3) Provide an entrance to the second unit that incorporates a pedestrian street presence and neighborhood compatibility.
- 4) Study the proposed fencing and material to be more compatible with the overall style of the house and neighborhood.
- 5) The Board finds the proposed curb cut to be excessive in length and would prefer to have it minimized. Verify the length of the proposed curb cut with the Transportation Division staff and if possible revise to reduce the length.
- 6) The Board reserves their comments on the modification at this time pending the above items, as the project has not reached the appropriate project threshold.

Action: Sherry/Gross, 8/0/0. Motion carried.

10/5/2009

ABR-Mailed Notice Prepared

Prepared 9/14/09; mail out date 9/24/09; applicant prepared mailing labels.

9/16/2009

ABR-FYI/Research

Note: as the proposal is considered an accessory unit for a lot with 5,000 square feet - this imposes specific size conditions on both units. The main residence may not have more than three bedrooms and may not exceed 1200 sq.ft. The accessory unit may not have more than one bedroom and may not exceed 600 sq.ft. This imposes restrictions on any proposed additions to the main residence which, as a result of this proposal, will be a two-bedrooms and 854 square feet.

Activities:

9/15/2009

ABR-Resubmittal Received

resubmittal to address prelim plan check comments. First concept review scheduled for 10/5/09.

9/10/2009

ABR-Correspondence/Contact

Spoke to applicant regarding PLCK comments and faxed PLCK to architect Marc Perry (805-653-5321) 9/10/09.

Issues to address include: 200 cubic feet of exterior storage; recalculate the P.O.L.S.; the front steps encroaching into the front setback and the maximum $3' \times 3'$ dimensions.

8/27/2009

ABR-Posting Sign Issued

posting sign issued

8/27/2009

ABR-FYI/Research

Note per applicant, they will be widenign the curbcut as part of this permit and applicant was advised that an encroachment permit will most likely be required and to check with P.W. regarding this matter. Also, applicant advised that she spoke to Chelsey in Transportation Planning and they will be relocating an existing no-parking sign at the site.

8/27/2009

ABR-FYI/Research

note that the applicant provided the mailing labels and therefore was only charged for the posting sign.

--update-- per Jaime Limon - applicant is to be charged the total fee for postage (# of labels x 0.43). Postage fee $79 \times 0.43 = 33.97$. MJB 9/8/09



Мемо

DATE:

May 16, 2011

TO:

Architectural Board of Review

FROM:

Kelly Brodison, Planning Division

SUBJECT:

903 W. Mission (MST2009-00388)

The above-referenced project received Project Design Approval from the Architectural Board of Review (ABR) on August 23, 2010. Subsequently, the adjacent property owner filed an appeal, which was denied by the City Council on October 19, 2010. The project returned to ABR and received a Final approval on March 7, 2011.

At the ABR meeting on March 7, 2011, it was brought to the attention of Planning staff by the adjacent neighbor, that a portion of the cantilevered second story encroached upon the required open yard on the property. Because some members of the ABR believed the encroachment did not violate the zoning ordinance, an understanding that was later determined to be incorrect, the ABR moved forward and granted the project Final Approval. Because the Final Approval had been granted with the encroachment into the open space, making that portion of the design inconsistent with the Zoning Ordinance, Staff originally deemed the Project Design Approval and the Final Approval "void".

Staff initially determined that the Project Design Approval and the Final Approval should be revoked in order to proceed with a revised project. However, since this initial determination, Staff has further reviewed the Council appeal hearing and concluded that the City Council did consider the design and size of the cantilevered structure during their review and that the City Council determined that the design of the cantilevered structure was acceptable, as long as its size was reduced.

Since the Council specifically considered the design of the cantilevered structure during the appeal hearing, Staff has concluded that it is not necessary to void the Project Design Approval in order to correct the zoning violation caused by the encroachment of a portion of the cantilevered second story over the required open yard area. As long as the solution to the setback encroachment results in a reduction in the size of the cantilevered structure, the design is consistent with the Project Design Approval granted by the City Council. The applicant has completely removed the cantilevered portion second story in the proposed design. It is appropriate to void the Final Approval so the project does not move further along in the process with a non-compliant design.

At this time, the applicant has been directed to return to the ABR to request a Final Approval consistent with the Project Design Approval granted by the City Council at the appeal hearing of October 19, 2010.



2011 AUG 16 PM 3: 15

Santa Barbara Munfing Conse

Chapter 22.68

ARCHITECTURAL BOARD OF REVIEW

Sections:			
22.68.010	Architectural Board of Review.	22.68.060	Special Design Districts.
22.68.015	Definitions.	22.68.070	Special Design District - Lower
22.68.020	Design Review - Non-Residential and Multi-Family Residential		Riviera Survey Area (Bungalow District).
	Buildings.	22.68.080	Signs.
22.68.030	Alternative Design Review by Historic Landmarks Commission.	22.68.090	Approval of Plans for Buildings or Structures on City Lands.
22.68.040	Architectural Board of Review Notice and Hearing.	22.68.100	Appeal to Council - Notice and Hearing.
22.68.045 22.68.050	Project Compatibility Analysis. Architectural Board of Review Referral to Planning Commission.	22.68.110	Expiration of Approval.

22.68.010 Architectural Board of Review.

A. PURPOSE. Section 814 of the Santa Barbara City Charter creates and establishes an Architectural Board of Review for the City to promote the general public welfare of the City and to protect and preserve the natural and historical charm and beauty of the City and its aesthetic appeal and beauty.

B. MEMBERSHIP. The Architectural Board of Review shall be composed of seven (7) members to be

appointed as provided in the Charter.

C. OFFICERS - QUORUM. The members of the Architectural Board of Review shall elect from their own members a chair and vice-chair. The Community Development Director or his or her designee shall act as secretary and record Board actions and render written reports thereof for the Board as required by this Chapter. The Board shall adopt its own rules of procedure. Four (4) members shall constitute a quorum, one (1) of which shall be an architect. (Ord. 5519, 2010; Ord. 5416, 2007; Ord. 5050, 1998; Ord. 4701, 1991; Ord. 3792, 1975; Ord. 3757, 1975; Ord. 3646, 1974.)

ARCHITECTURAL BOARD OF REVIEW GOALS

The Architectural Board of Review (ABR) is guided by a set of general goals that define the major concerns and objectives of its review process. These goals are:

- A. to protect the historic and architectural qualities of Santa Barbara;
- B. to protect the beauty and ecological balance of Santa Barbara's natural resources;
- C. to insure development and building consistent with the policies of the General Plan and Zoning Ordinance;
- D. to promote high standards in architectural design and the construction of aesthetically pleasing structures;
- E. to improve the general quality of the environment and promote conservation of natural and manmade resources of the City;
- F. to encourage planning which is orderly, functionally efficient, healthful, convenient to the public, and aesthetically pleasing;
- G. to promote neighborhood compatibility;
- H. to encourage the preservation of pre -1925 and Hispanic styles of architecture;
- I. to promote visual relief throughout the community by preservation of public scenic ocean and mountain vistas, creation of open space, and variation of styles of architecture;
- J. to preserve creek areas through restoration, maintenance, and enhancement, and to discourage removal of significant trees and foliage removal; and
- K. to encourage landscape design that utilizes water-wise plants and the most efficient irrigation technology available for the protection and conservation of our water resources.

INTRODUCTION

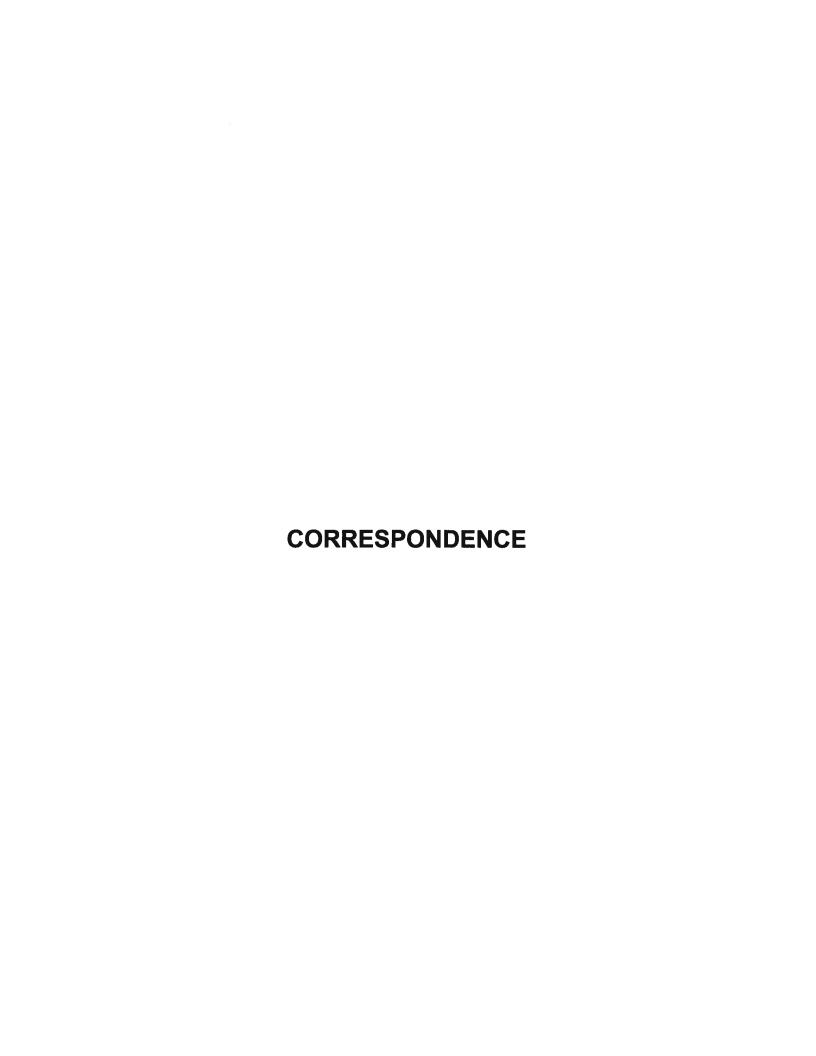
Purpose of the ABR Guidelines

The Architectural Board of Review (ABR) Guidelines set have been developed to guide development proposals to ensure high standards of design are maintained in development and construction in the City of Santa Barbara. The Guidelines are also intended to assist public understanding of the stated goals and adopted policies of the ABR. In addition to ABR-specific guidelines, there are Supplemental Design Guidelines found in a series of separate documents. These Supplemental Design Guidelines provide more detailed direction for some projects. However, many ABR projects are not in an area with supplemental guidelines. These guidelines clarify ABR criteria for reviewing plans throughout the City.

SECTION 1 Architectural Board of Review Background, Purpose, and Interpretation

- 1.1 **Background.** The ABR was established by ordinance on July 16, 1925, and met for seven months before being dissolved. It was re-established by ordinance in 1947. In 1949, the ABR was designated a Charter Committee by popular vote. Currently, the ABR consists of nine members, two of whom must be licensed architects, one a landscape architect, and three other professionals in related fields such as design or engineering. A quorum consists of four members, one of whom is an architect.
- 1.2 **Objective.** The ABR is charged with the responsibility for "the protection and preservation as nearly as is practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past". Santa Barbara has, for many years, enjoyed a widespread reputation for its distinctive buildings and the generally pleasing interrelationship of these buildings with plantings, parks, beaches and the harbor, against a background of gently rounded foothills and mountains. The beauty and charm of this picture has enhanced the basic attraction of its year-round mild and equable climate.

Santa Barbara's distinctive architecture is a regional style with a Mediterranean influence. It reflects the City's historic past and compliments its setting in the natural environment. The successful adaptation of these architectural forms, with ingenious variations to meet modern needs, using simple materials, generous landscaping, human scale and soft colors, has resulted in the achievement of an architectural harmony that distinguishes Santa Barbara from other cities. It is essential for rational and continued improvement of our community that these important facts be recognized. It is paramount that property owners, architects and builders use initiative and their best judgment and talents toward development of buildings of character that harmonize with their surroundings and are suitable for proposed sites.





(formerly Homeowners Defense Fund)

1482 East Valley Road, Suite 252 Santa Barbara, CA 93108 fax: 805-969-0297

Accommodating growth while preserving the character of our neighborhoods

Helene Schneider, Mayor, Santa Barbara

Santa Barbara City Council Board of Directors

735 Anacapa Street Santa Barbara CA 93101

August 8, 2011

Dear Mayor Schneider:

At our recent meeting, the Board of Directors of the Neighborhood Defense League authorized me to write a letter to each Councilperson on behalf of Ms. Pam Brandon, whose Appeal of a city zoning decision will appear before you on August 23rd.

Ms. Brandon, with the support of her neighbors, is appealing the decision by the ABR to approve the project at 903 West Mission Street. We have examined the project plans and urge the City Council to take her complaints very seriously. Clearly, the proposed design is alien to that of the neighborhood, and the fundamental issue of zoning – and its importance to neighborhood character - is at stake.

Property rights should not be abridged, true, but community values, as expressed in zoning, is a trust that each property owner relies upon to make ownership decisions. It is a matter of trust between citizen and government.

We do urge that Ms. Brandon's Appeal be given the highest consideration.

Sincerely. Guditt Ashkanian

Judith Ishkanian, President For the Board of Directors

Neighborhood Defense League of California

Judith Ishkenlan President

Sally Jordan

Vice President

James Westby Secretary

Richard Thielscher Treasurer

Michael F. Brown

Robert Collector

Doug Herthel

Morris Jurkowitz

Wendy Coggins, Emeritus

Gary Farle, Emeritus

Roy Gaskin, Emeritus

Rob Lowe, Emeritus

ALLIED NEIGHBORHOODS ASSOCIATION

August 17, 2011

Santa Barbara City Council City Hall De la Guerra Plaza Santa Barbara, Calif. 993101

Dear Mayor and Members of the City Council

Allied Neighborhood Association members met July 18, 2011 and heard the concerns of the neighbor appealing the proposed project at 903 W. Mission.

After reviewing the long history of hearings, rehearings, and annulled approvals, Allied members expressed their disappointment and serious concerns about the manner in which this project has been handled by the City Staff and the Architectural Board of Review.

The determination of the project as to its design and the need for modifications were incorrectly made. Allied has long been concerned about the numerous projects that require modifications and has stated that a project should be designed to be constructed within the current zoning laws. Modifications are granted too frequently and are looked upon as a way to bypass zoning laws. This is wrong.

Another concern is the action of the members of the Architectural Board of Review who apparently had financial interest in the project but still sought to influence the decisions in this case.

Allied has a long record of supporting the principle of neighborhood compatibility in proposed projects. This project is not compatible with the surrounding neighborhood. While Allied understands that some flexibility in design is acceptable this design goes beyond what is acceptable. Ask yourselves whether you would like this project built in your neighborhood or next to your home? If you cannot say yes then how can you support this project in someone else's neighborhood?

Allied asks you to uphold the appeal. Thank you

Sincerely,

Cathie McCammon, President Allied Neighborhoods Associations www.sb-allied.org

From: GTEVEN CAPTER, AIA 146 WESTMONT RD. SRD, CA. 92108

Santa Barbara Ca 931 1 L 11 aug 2011 FM

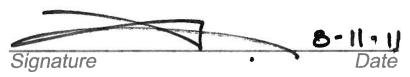


I support the remodel/addition project at 903 W. Mission Street

The design has been consistent since the SHO Approval on 7/28/10 to Final ABR Approval on 5/16/11

Heidi Ferguson has followed all SB Plan & Zoning Ordinances, Municipal Codes and has made changes per City Council's recommendations & the Appellant's concerns.

To: SB City Clerk
Attention: City Council
P.O. Box 1990
Santa Barbara, CA 93102



93102\$1990

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SEPARATE, SIGNED COPIES OF THES CARD WERE ALSO RECEIVED FROM:

M. KIRKHART (29 W. CALLE LAURELES)

SUE YOUNG (143 BAN RAFAEL AVE)

DENNIS MORELOS (2007 ROBBINS ST)

JOSH AND SUZANNE BLUMER (3161 LUCINDA LN)

ELLEN STRATTON (89 LASSEN DR)

CIRO COELHO

MICHAEL INGHAM (1812 GILLESPIE ST)

KIYOKO SOARING-EAGLE (1926 GILLESPIE ST)

I am writing you this letter so you all can consider what is fair for Heidi Gerguson to her project & approved building Permits. I seem like she has processed all of her permits which have bee approved. Its not fair (proper) for someone to delay all the construction. Please let her enjoy her brooms finish her project.

Sincerely Jamando Severa (805) 455-5330 809 W. PedregasaSt. S.B.Ca. 93101

RECEIVED

AUG 17 2011

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OUR FILE NUMBER

22332.1

August 18, 2011

HAND DELIVERY

Mayor Helene Schneider Members of City Council City of Santa Barbara 735 Anacapa Street Santa Barbara, California 93101

> Re: Heidi Ferguson

903 W. Mission Street MST2009-00388

Pamela Brandon's Appeal of ABR Final Approval dated May 16, 2011

Dear Mayor Schneider and Council Members:

On August 23, 2011, the City Council is scheduled to consider the appeal by Pamela Brandon of the ABR's Final Approval of a modest residential project at 903 West Mission Street. The property owner, Heidi Ferguson, has proposed improvements that include creation of a small apartment unit over a new garage structure. The development of a second residential unit on parcels measuring between 5,000 and 6,000 square feet is expressly permitted in the R-2 zone, and the City's ordinances provide for certain Modifications to zoning requirements to accommodate projects on constrained lots. Ms. Ferguson's project has been in process for two full years and on May 16, 2011, the ABR provided Final Approval, clearing the way for the issuance of a building permit. This final step in the process is the subject of Pamela Brandon's current appeal.

This is not the first time the City Council has been asked to review an ABR approval of the 903 West Mission project. Ms. Brandon's public campaign against Ms. Ferguson's project began more than a year ago with her appeal of the ABR's Preliminary Approval of the project. The ABR provided a positive concept review of the proposed design on May 17, 2010, and on July 28, 2010, the Staff Hearing Officer approved the project, which included Modifications of the open yard requirements and the setback requirements for one of the two corner (front yard)

setbacks. Following Staff Hearing Officer approval, Ms. Ferguson returned to the ABR for Preliminary Approval, which the ABR granted on August 23, 2010. Pamela Brandon appealed the ABR Preliminary Approval, and on October 19, 2010, after a lengthy public hearing and extensive consideration of standards for neighborhood compatibility and design, the City Council voted 3-2 to deny the appeal, providing several suggestions to Ms. Ferguson for inclusion in her final plans. Ms. Ferguson adjusted her plans to meet the Council's concerns and the ABR voted its Final Approval on May 16, 2011, approving the construction drawings as consistent with the design it had approved preliminarily in August 2010, as modified by the City Council's suggestions. The ABR's Final Approval required no further changes to the project. Ms. Brandon nevertheless has continued her campaign against the project by continuing to attack the project design – a design approved by the ABR and affirmed by the City Council more than a year ago.

Ms. Brandon's present appeal, filed on May 26, 2011, has almost nothing to do with the proper scope of appeal of an ABR Final Approval which, under the ABR Guidelines, must be focused solely on consistency between the applicant's construction drawings and the approved design. For these and the reasons that follow, we urge you to deny the appeal.

I. The Only Relevant and Proper Question on Appeal of an ABR Final Approval is Whether the Construction Drawings are Consistent with the Approved Design.

According to the ABR's Guidelines, preliminary review "is a formal review of an application prior to preparation of working drawings. . . . Preliminary Approval is the most important approval of plans and determines the site plan configuration and design that must be followed in the working drawings. . . . [A] preliminary approval shall be considered to be "approval" of the project by the ABR and concludes the discretionary phase of project review." (Emphasis added.) By contrast, "Final Review is a formal review of completed working drawings, prior to submittal for a building permit. . . . The final plans will be approved if they are in substantial conformance with the plans given preliminary approval."

The ABR grants Preliminary Approval based upon its evaluation of neighborhood compatibility and design considerations, so if a Preliminary Approval is appealed, the City Council considers whether the ABR properly applied those standards. In this case, there was a long and thorough discussion among the Council Members on October 19, 2010, and the vote to deny Ms. Brandon's appeal resolved the question of whether the ABR's Preliminary Approval reflected proper application of the standards for design and neighborhood compatibility.

Because Preliminary Approval "concludes the discretionary phase of project review," an applicant may rely on that approval to proceed with preparation of construction drawings and the detailing of the project. In its final review, the ABR does not revisit design decisions voted in

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the Preliminary Approval. Instead the ABR compares construction drawings with the preliminary plans already approved to ensure design consistency, making sure that the plans have detailed all requirements and conditions of approval, and confirming that all is in order for issuance of a building permit.

Under the ABR's Guidelines, an appeal of an ABR decision is limited to the scope of the ABR's action. The Preliminary Approval is the critical decision on the design elements, while "the Final Approval decision may be appealed only on the basis that it is inconsistent with the Preliminary Approval." (Emphasis added.) Despite Ms. Brandon's present attempt to re-appeal design and compatibility issues that were resolved by the City Council in October 2010, the ABR's Final Approval now on appeal was a non-discretionary decision in which only the consistency between the preliminary plans and the final plans was at issue. Ms. Brandon can challenge only what was actually decided in the Final Approval, and that is all the City Council may consider in acting on the appeal.

II. The ABR Correctly Granted Final Approval of the Project's Plans as Consistent with the Approved Design.

The Final Approval decision of the ABR is fully consistent with its Preliminary Approval of the 903 West Mission project. First, the basic elements of the approved project have remained the same since the ABR provided Preliminary Approval and the City Council rejected Ms. Brandon's appeal of the ABR's Preliminary Approval. Second, the plans were modified between the City Council's action in October and the ABR's final approval in May specifically in response to concerns raised by Council Members (which responded, in part, to concerns raised by Ms. Brandon). These included redesigning the kitchen window on the southerly side of the new unit as a clerestory window that will not permit a direct view into the adjacent Brandon property, deletion of the cantilevered portion of the unit, reduction in overall height of the unit with a sloping roofline reduced by 16 feet at its easterly end and 8 feet at its westerly end (for an average reduction of 12 feet), and substitution of wooden siding on the southerly (Brandon) rear of the garage and new unit to reflect the siding of the existing residence. The design concerns raised by the Council modified the Preliminary Approval, and the modifications in the final plans are consistent with the Council's preferences.

III. The Brandon Appeal of the ABR Final Approval is Premised on Irrelevant and Improper Grounds.

The only proper ground for appeal – and the only question properly before the City Council at this time – is whether the ABR properly decided that the final plans, as presented by Ms. Ferguson for Final Approval, are consistent with the design approved by the ABR in August 2010 and affirmed by the City Council in October 2010. Ms. Brandon nevertheless focuses her

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entire appeal on questions that either have been decided already or are not proper grounds for appeal, ignoring the fact that a victory on appeal will serve only to require the ABR to revisit its consistency finding and will not re-open the Preliminary Approval or subject the approved design to further scrutiny.

A. The "Voiding" and "Reinstatement" of the Preliminary Approval was a Procedural Issue Resolved Apart from the ABR Decision on Appeal.

In her leading ground for appeal, Ms. Brandon challenges the ABR's Final Approval as "void." In her view, Planning staff's belated discovery of an error in its calculations should require the voiding of all prior discretionary decisions of the ABR and the City Council, including the ABR Preliminary Approval on August 23, 2010, the City Council's denial of the appeal of that approval on October 19, 2010, and the ABR's Final Approval on May 16, 2011. In fact there was some confusion about the potential consequences of staff's error, but the question has been resolved and does not impact the ABR Final Approval now on appeal.

The ABR first voted Final Approval on March 7, 2011, but Planning staff then discovered that much earlier in the process, before either the ABR's Preliminary Approval or the Staff Hearing Officer's approval, staff had miscalculated one portion of the yard area impacted by a cantilevered section of the proposed new garage/apartment structure. The cantilever had been present in all of the plans reviewed and approved at each step in the process, but staff belatedly concluded that the cantilever created a zoning violation. Staff's admittedly panicked reaction was to declare that it was revoking both the preliminary and final ABR approvals. After conferring with the City Attorney, and upon further consideration of the status of the project, as reported orally by staff at a subsequent ABR meeting, staff concluded that only the Final Approval on March 7, 2011 was problematic because the potential zoning violation would invalidate the central finding - that the construction drawings are complete and the project is ready for a building permit. To resolve staff's concern, Ms. Ferguson authorized her architect of record, Clay Aurell of AB Design Studio, Inc., to adjust the design to be consistent with the open yard requirement by removing the cantilevered portion of the structure and thus removing the potential zoning violation. The ABR then voted a second Final Approval of the revised design on May 16, 2011. This is the approval that Ms. Brandon has now appealed.

The Final Approval of May 16, 2011 removed any doubt about the validity of the March 7, 2011 ABR vote prior to the revision of the plans and it resolved any potential impact of staff's error by adjusting the design to harmonize with staff's calculation as well as with the suggestions of the City Council. As the ABR concluded, the project as shown in the construction drawings is fully consistent with the Preliminary Approval and is fully eligible for a building permit because it meets all zoning requirements.

B. The Approved Plans Comply with the City's Zoning Ordinances.

Ms. Brandon's second ground for appeal is that the ABR should not have approved the final plans for the project because the placement of storage units in the garage area is "against city code." She cites Sections 28.18.060 and 28.18.075 of the Municipal Code, contending that the "interior setback" is compromised by the location of storage space within the proposed new garage structure. By her self-serving interpretation, because the ordinance allows only covered or uncovered parking within three feet of the property line, the location of storage space in the garage is improper. She also contends that the storage space for the second residential unit must be entirely related to the single parking space for that unit and cannot be "within the parking area" for the main house.

Nothing in the cited sections of the Code requires Ms. Brandon's interpretation. In fact the project provides three covered parking spaces within a single garage – two spaces that will be designated for the main residence and one that will be designated for the second unit. The proposed storage space is located at the back of the garage area and meets the basic requirement of Section 28.18.075 for "200 cubic feet of enclosed, weatherproof, lockable, and separate storage space . . . exclusively for the use of the occupants of the dwelling unit . . . accessible from the exterior of the unit for which it is provided." Location of the storage space adjacent to a parking space designated for the main residence compromises neither use, and the ordinance does not require the rigid relation of each unit's parking and storage as Ms. Brandon suggests.

Section 28.18.060 permits a garage structure for "covered parking" to be located within three feet of an interior setback. Ms. Brandon contends that a garage is not the same as "covered parking" and that the ordinance is designed to prevent the construction of an oversized structure to accommodate any other uses. In fact the garage is no larger than is required for its principal purpose and the location of storage within a garage structure is not prohibited by any City ordinance. Planning staff consistently has interpreted these ordinances to allow storage within a garage that meets the required interior setback of three feet.

Under these circumstances, the ABR correctly approved plans showing required storage located in the proposed garage structure.

C. The Project's Compatibility with the Neighborhood was Finally Decided in October 2010.

Ms. Brandon's third ground for appeal is that the plans for the project "fail to follow the ABR Guidelines and the Municipal Code in regards to neighborhood compatibility." She correctly states that Section 22.68.045 of the Municipal Code requires the ABR to consider neighborhood compatibility when it "reviews and approves or disapproves the design of a

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proposed development project." Indeed, the ABR did consider neighborhood compatibility extensively when it voted its Preliminary Approval of the project design in August 2010, making specific findings of compatibility with the eclectic architecture of the area in which the property is located. Ms. Brandon focused on neighborhood compatibility in her appeal of that Preliminary Approval, and the City Council, following a hearing on the appeal, deliberated the compatibility questions extensively. While members of the Council had differing views of the design and its compatibility, the majority of the Council prevailed in affirming the ABR's Preliminary Approval. That vote provided finality to the ABR's design approval. Nevertheless, Ms. Brandon is now attempting to re-open basic design questions.

The ABR Guidelines specifically state that Preliminary Approval "concludes the discretionary phase" of project review. Final Approval, then, is effectively ministerial. It results from a review of construction drawings compared with the approved design and a positive vote indicates only that the ABR has found consistency between the two. Because an appeal must be consistent with the scope of the action, the only question properly before the Council at this time is whether the ABR's finding of consistency was correct. Ms. Brandon's appeal improperly asks the City Council to revisit a decision finally made by both the ABR and the Council and no longer subject to appeal.

D. Alleged "Mishandling" of the Application and Review Process is Not a Proper Ground for Appeal of an ABR Final Approval.

Ms. Brandon's fourth ground for appeal amounts to an allegation that the ABR Final Approval was somehow tainted by imperfections in the process. In effect, this contention is little more than a summary of her other three grounds for appeal. She does not contend that the ABR Final Approval is invalid because of alleged errors in the processing of the application, but she asks the Council "to make sure accurate information is required and made available to the public and to the design review boards and that design review decisions are made in a transparent and ethical manner."

Ms. Brandon's allegations are intended to create a cloud over the ABR's decision, as though something happening earlier in the process, or separate from the ABR's decision-making process, may have compromised the decision. In fact, however, the "errors" she describes were not fatal to the decision-making process and were corrected in due course. Decision-makers act upon the information available to them, ant the burden is on decision-makers to inform themselves of relevant facts prior to making a decision. Each decision-maker weighs the significance of the facts as he or she understands them. Ms. Brandon wishes for a more perfect system in which every fact she considers important would have been uppermost in the minds of decision-makers, but that is not realistic, nor is it a reasonable ground for appealing a Final Approval of the ABR which, by its nature, is not even a discretionary decision. Nothing in the

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history of this project suggests than any member of the Planning staff, the ABR, or the applicant's team deliberately misinformed others. Ms. Brandon's concern for transparency and ethical practices is laudable, but it is a concern that has nothing to do with the question on appeal.

IV. Conclusion.

While Ms. Brandon expresses great concern for neighborhood compatibility, her primary concern throughout the processing of Ms. Ferguson's project has been the fact that the proposed new structure will be visible from the Brandon property next door – a property for which there is an open enforcement case for an alleged illegal second unit that Ms. Brandon occupies. Even though the ABR and the City Council approved the design of the project long ago, Ms. Brandon has continued to urge citizens of the community to attend the hearing to speak against the design of Ms. Ferguson's project. Just as Ms. Brandon has failed to frame her appeal appropriately, she has failed to inform her supporters that the decision before the City Council concerns only the consistency of final plans with the approved design. The appeal hearing should not become a referendum on the popularity of the project.

Ms. Ferguson has spent more than two years in the process of trying to build a new garage and small apartment on her property – a use entirely consistent with the City's zoning ordinances and for which the Staff Hearing Officer approved the necessary Modifications for full zoning compliance a year ago. Ms. Ferguson has met every reasonable demand of her neighbor, Ms. Brandon, and has satisfied the stated concerns of decision-makers at each step in the process. The project has received all necessary approvals and is ready to move forward to issuance of a building permit. The appeal rests on grounds irrelevant to review of the ABR's Final Approval. For all of the reasons stated in this letter, the Brandon appeal should be denied.

We will attend the hearing on August 23 and will be available to answer any questions you may have at that time.

Very truly yours,

Susan M. Basham

for PRICE, POSTEL & PARMA LLP

susan M. Bashan

SMB:lkh

cc: Heidi Ferguson

Clay Aurell